











HOUSE OF LORDS MANUSCRIPTS.

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VOLUME IV.—(NEW SERIES.)

THE  
MANUSCRIPTS  
OF THE  
HOUSE OF LORDS,  
1699—1702.

With an Appendix, the Journal of the  
Protectorate House of Lords, from the original  
Manuscript in the possession of Lady Tangye.

*[In continuation of the Volumes issued under the authority of the  
Historical Manuscripts Commission.]*

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Ordered to be printed 10th February 1908.

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ABBREVIATIONS USED IN THE FOLLOWING  
CALENDAR.

MS. Min.—MS. books containing Minutes of the Proceedings in the House, and intituled "Journal."

Com. Book.—MS. books containing Minutes of the Proceedings of Select Committees.

Priv. Book.—MS. books containing Minutes of the Proceedings of the Committee for Privileges.

Long Cal.—MS. list of the Acts, both Public and Private, numbered censecutively for each regnal year, in the order in which they are kept in the Victoria Tower.



## INTRODUCTION.

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*The Manuscripts of the House of Lords, being no longer printed by the authority of the Historical Manuscripts Commission, will for the future appear as separate volumes, of which this is the fourth. For the sake of convenience, they will be printed in the same form as the volumes already issued by the Commission.*

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THIS Volume includes the period from the opening of the second Session of the fourth Parliament of William III. on the 16th of November 1699 to the death of that Sovereign on the 8th of March 1701-2.

During the interval between the end of the previous Session on the 4th of May and the opening of the new one, various changes had been made in the administration. Most of the leading Whigs had been replaced by Tories. L. Somers alone of the more prominent Whig statesmen retained his office when Parliament met. William was no doubt induced to effect these changes in the Government in view of the evident unpopularity of the Whig Party, but the results of his policy were not successful as the Session was one of the stormiest of the reign.\*

In the Speech with which he opened Parliament (No. 1457), the King began by emphasising the necessity for further expenditure on the repair of the fleet and fortifications,† and also for the payment of the debts contracted in the late war. After alluding to the increase of trade, he recommended that Parliament should turn its attention to the increase of the poor “which is become a burden to the Kingdom; and their loose and idle life does, in some measure, contribute to that depravation of manners, which is complained of (I fear with too much reason).”‡ He explained that the

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\* “This change of administration did not answer the King’s expectation, by smoothing the current of public business. The zeal of the Whigs for his service abated upon every concession to their antagonists, who grew more bold in opposition from the prospect of their approaching ascendancy.” *History of Political Transactions and Parties*, by Thomas Somerville, p. 518. London, 1792.

† The Commons on this occasion do not appear to have been impressed with the necessity for any augmentation of the Navy. In the previous Session they had voted supply for 15,000 sailors for the service of the year. For the year 1700 the number of seamen was reduced to 7000. C.J., XIII. 90.

‡ The Commons lost no time in acting upon the King’s suggestion and at once appointed a Committee “to consider of ways of better providing for the poor, and setting them on work.” C.J., XIII. 4.

poor who were unable to help themselves should be maintained, but insisted that "such as are obstinate and unwilling, should be compelled to labour." He ended his speech by assuring the two Houses of his determination to maintain the rights and liberties of the people—a determination in which he was convinced that he had the support of Parliament. "Since then our aims are only for the general good, let us act with confidence in one another; which will not fail, by God's blessing, to make me a happy king, and you a great and flourishing people."

In the House of Commons the Tory majority at once took exception to the concluding remarks in the King's Speech. In an Address to the King on the 1st of December, the Commons complained that it was a great misfortune "that, after having so amply provided for the security of your Majesty and your Government, both by sea and land, any jealousy or distrust has been raised of our duty and affections to your Sacred Majesty, and your people; and beg leave humbly to represent to your Majesty, that it will greatly conduce to the continuing and establishing an entire confidence between your Majesty and your Parliament, that you would be pleased to shew marks of your high displeasure towards all such persons who have, or shall presume to misrepresent their proceedings to your Majesty." This Address, or rather Remonstrance, was aimed at the Whig leaders and particularly at L. Soñers, who was the object of the unrelenting hostility of the Tories during this Session. The King in a dignified reply repudiated the idea that anyone had dared to misrepresent to him the proceedings of either House of Parliament, and assured the Commons that no action of his should give just ground for any misunderstanding between him and his people.\*

The Session in the Upper House opened quietly. The case of Matthew Smith (No. 1467) was the only matter of any political interest which was brought to the notice of the Peers in the early days of the Session. Smith was a nephew of Sir William Perkins, who had been executed for his complicity in the Assassination Plot. Some weeks before the discovery of the Plot, Smith had stated his readiness to

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\* C. J., XIII. 37.



sell information to D. Shrewsbury, who seems to have taken very little notice of his insinuations, although he mentioned the subject both to the King and to L. Soñers. Smith, in a printed pamphlet, now accused D. Shrewsbury of neglecting to make use of his information. It was generally supposed at the time that this pamphlet had been actually written, or at any rate largely inspired, by E. Peterborough, whose jealous hatred of D. Shrewsbury was notorious. Smith's evidence in support of the charges made in his pamphlet against the Duke entirely failed to convince the House of Lords. The author was accordingly committed to the Gatehouse and his work was voted a breach of Privilege and ordered to be burned by the common hangman.\*

On the 15th of December the Report of the Commissioners who had been appointed in the previous Session to inquire into the subject of the forfeited lands in Ireland was presented to the House of Commons. It supplied the Tory majority with an excellent weapon for attacking their political opponents. This Report had been brought to the notice of the House of Lords on the 13th of December by the Lord Chancellor, who on that day communicated to the House a letter which he had received from three of the Commissioners. In this letter (No. 1471), L. Drogheda, Sir Francis Brewster and Sir Richard Levinge protested against certain passages which the four other Commissioners had insisted upon inserting in the Report and which they had refused to sign. On the 18th of December the Commissioners were ordered to lay before the House a statement of their proceedings in Ireland, and on the following day Mr. Annesley, one of their number, delivered in their Report and the documents upon which it had been based. In this Report the Commissioners stated that the value of the forfeited lands in Ireland, even after a deduction had been made for the value of the estates restored by the Articles of Limerick and Galway and by the favour of the King, amounted to 1,699,343*l*. The Commissioners also took into consideration the value of James II.'s private estate, which they estimated at 337,943*l*. By these calculations it appeared

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\* For an account of the circumstances with regard to this case, see *Letters illustrative of the reign of William III.*, by James Vernon, Esq., edited by G. P. R. James, Vols. II. and III., in which many allusions are made to Smith.

that the amount, which ought to be available from the forfeited lands for public purposes, was over 2,000,000*l.*, and the Commissioners suggested that it was possible that further inquiry might lead to the discovery of more land.

In addition to the Report, nine Books of Statistics, &c., which had been compiled by the Commissioners, were laid before the House (No. 1471). In the first of these Books, abstracts of which are printed in this Volume, are set out the names of 4,000 persons whose estates had been forfeited. The second Book contains an estimate of the value of all the land forfeited, whether it had been restored or not. The third and fourth Books record the adjudications of the Court of Claims and of the Council Board. The fifth Book contains a list of the persons who had been pardoned, giving the reasons for which pardons had been granted. In the sixth Book there is a list of the Grantees, giving the reasons for which the grants had been made to them, and in the seventh and eighth Books there are lists of incumbrances on the properties, and of debts due to the dispossessed owners. The ninth Book contains details as to the private estate of the late King.

The passages in their Report upon which the seven Commissioners were not agreed, were of an extremely controversial character. In these it was stated that the King had gone beyond the Articles of Limerick and had pardoned rebels who did not deserve any favour. It was suggested that if a searching inquiry were made, it would be found that more estates might have been confiscated. It was also stated that the work of the Commissioners had been thwarted by men in high positions. In addition to this the Commissioners went out of their way to make a direct attack on the King for his action in giving away the private estate of James II. to the Countess of Orkney—a matter upon which they were not empowered by their Commission to report, as the lands formed part of the Crown property and had not been included amongst the estates forfeited after the war in Ireland.

It is possible that the value of the Irish estates was exaggerated in this Report. In a tract entitled “*Jus Regium*, or the King’s right to grant forfeitures, &c.”, the net value of the forfeited lands was estimated at not more than 500,000*l.* The value and extent of the private estate were also stated to



have been much exaggerated by the Commissioners. But it is not unlikely that the valuations contained in this tract, which was designedly written in defence of the King's position, erred on the other side.\*

It is not surprising, however, that the Report was generally accepted, as it was confidently asserted that if all the estates were sold, the gain to the country would not be less than 300,000*l.* a year, a sum which would do much to relieve the burden of war taxes.

The Resumption Bill (No. 1549), which was brought in to carry out the recommendations of the Commissioners, led to a protracted struggle between the two Houses which threatened at one time to bring about a serious constitutional crisis. The Commons sent up the Bill on the 2nd of April, and, to insure the passing of the measure by the Lords, they adopted the plan of tacking it on to a Bill of Supply—a plan which they had found effective in the previous year.† The Motion to read the Bill 2<sup>a</sup> was carried in the House of Lords by a large majority.‡ It was considered in Committee on the 5th and 6th of April and was read 3<sup>a</sup> two days later. The Lords did not amend the provisions in the Bill which rescinded the grants of the forfeited estates made by the King. They fully admitted the necessity for this policy as a means of paying off the debts of the nation.§ They altered the clause, however, by which lands that had never been forfeited were handed over to be administered by the Trustees appointed by the Act. They

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\* It should be noted that in the Report of the Commissioners which is printed in this Collection of Tracts, the Plantation acre in Ireland (the system of measurement upon which the valuations of the Commissioners were based) bears a proportion to the English acre as 441 is to 264, whereas in the copy of the Report printed in this Volume the proportion is exactly reversed. See Collection of State Tracts, published during the reign of King William III., Vol. II. London, 1706. In a letter from the Lords Justices of Ireland to the Lords of the Treasury, it is stated that the highest offer for lands in Galway was 2*s.* per acre per annum. Calendar of Treasury Papers. Vol. I., p. 121. The same lands were valued by the Commissioners at 3*s.* per acre.

† The Commons, in 1699, had added a clause appointing seven Commissioners to inquire into the subject of the Irish forfeitures to a Bill of Supply. On that occasion the Lords, although they had passed the Bill, had made a Protest against the practice of tacking. See Protests of the Lords, edited by J. Thorold Rogers, Vol. I., pp. 134, 135.

‡ The numbers of the division are stated in the MS. Min. to have been 70 Contents and 23 Not Contents. In the Journal only 91 Peers are recorded as having been present. The names of E. Sandwich, L. Dartmouth, and the Bishop of Coventry which appear in the MS. Min. are not mentioned in the Journal.

§ L.J., XVI. 575.

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§ L.J., XVI. 575.

also amended some of the provisions by which the Commons had attempted to relieve certain specified individuals. In addition to these amendments they inserted a proviso that nothing in the Bill "should be construed to confirm the outlawry of any person who was not outlawed till after his death." The Lords then proceeded to make an amendment in the Bill of Supply which the Commons had tacked to the Resumption Bill, by striking out one of its provisions by which no Member of Parliament was to be capable of being a Commissioner of Excise. This Amendment was carried by 56 votes to 33. The Commons refused to consider any of the amendments made by the Lords. They insisted that they were amendments to a Bill of Supply and consequently infringed the privileges of the House of Commons. On the 9th of April the Lords by a majority of 13 insisted on their Amendments.\*

A Free Conference was held on the following day at which Sir Edward Seymour stated that the Commons had not thought fit to consider the Reasons for insisting on their amendments, which the Lords had sent down to them. The Lords again considered whether they should adhere to their amendments. A division upon this Question, after Proxies had been called for, showed the numbers to be equal, and, therefore, according to the rule of the House, the Question was carried in the negative.† In order for the Bill to pass, another division was necessary upon the Question: Whether this House will agree to the Bill without any amendment? Had the voting been similar to that in the preceding division, the Bill would have been lost, and a grave constitutional deadlock would have arisen.

The Lords probably realised that the matter in dispute was not of sufficient importance to justify them in resisting any longer the wishes of the majority in the other House. They had made their protest against the arbitrary action of the House of Commons, but were not prepared to go any further in a matter with regard to which it was clear that the Commons would receive the support of the country.‡ In the final division,

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\* The Motion to adhere to the amendments was carried by 47 votes to 34. But, although only 81 Peers voted, it appears from the Journal that 95 Peers were present.

† Luttrell's remark that E. Bridgewater on this occasion gave the casting vote as acting Lord Chancellor, shows that he was confusing the practice of the House of Lords with that of the Commons. Luttrell's Diary, Vol. V., pp. 632, 633.

‡ History of England, by Lord Macaulay, Vol. V., p. 281. London, 1861.



therefore, several Peers absented themselves, with the result that the Bill was carried by 39 votes to 34.\*

The Trustees appointed under the Act set to work immediately. On the 6th of March 1700-1701 an interim Report was laid before the House of Lords (No. 1594).† This Report must have destroyed the hopes of the enthusiasts who had counted upon relieving the burden of the English tax-payer, for, instead of the 300,000*l.* a year which the forfeited estates had been confidently expected to yield, the Trustees only held out hopes of an annual sum of about 80,000*l.*, of which the actual costs of the Commission were swallowing up no less than half every year. The Trustees also explained that they were encountering great difficulties in carrying out the provisions of the Act. It is clear that not only their methods of administration, but also the policy of the House of Commons in this matter, were extremely unpopular in Ireland, as throughout the Session of 1701 many Petitions were presented to the Commons both against the proceedings of the Trustees, and also against the action of Parliament in dealing with Petitions for Relief Bills.

The final settlement of the forfeited estates in Ireland was not carried out for some time subsequent to this, and there are other papers on the subject which will be dealt with in the next Volume of the Calendar.

The King, in his Speech at the opening of the Session, did not refer to the subject of the Scottish colony at Darien, but it was inevitable that a matter of such vital importance to the political and trading interests of both England and Scotland should demand the urgent attention of Parliament. It is not surprising, therefore, that on the 10th of January a Motion was made in the House of Lords "that the present posture of affairs in Scotland, relating to the business of Darien, should be taken into consideration."

The history of the Darien scheme began in 1695 when the Scottish Parliament passed an Act in favour of "a Company trading to Africa and the Indies." From its first inauguration the Company, which owed its origin to the fertile brain of

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\* 77 Lords voted in the first division and 73 in the second division. 93 Lords were present in the House.

† This Report, which was made to both Houses, varies only in minor details from the Report presented to the House of Commons.

William Paterson, had encountered the most violent opposition not only from English traders, but also from the English Parliament.\* The object of the Company was to establish a trading colony on the isthmus of Darien.† The fact that the site which they had chosen was in the centre of the Spanish possessions in that part of America does not appear to have struck the promoters as any great objection to their plans. They seem indeed to have considered that the geographical position of their colony would be of advantage to England in the event of trouble arising with regard to the succession in Spain.‡ Some such idea may possibly have influenced the King and his advisers in resisting the pressure that was brought to bear on them by the English traders, and in not intervening until it had become apparent that the Scottish settlement, through mismanagement and neglect, was doomed to failure. At any rate, it was not until the 2nd of January 1698-9 that Mr. Secretary Vernon issued his letter, with regard to the settlers at Darien, to the Governors of the various English plantations, ordering them strictly to enjoin all his Majesty's subjects, or others inhabiting within the district of their governments, "to forbear holding any correspondence with, or giving any assistance to, any of the said persons while they are engaged in the aforesaid enterprise; and that no provisions, arms, ammunition, or other necessities whatsoever, be carried to them from thence, or be permitted to

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\* History of Scotland, by John Hill Burton, Vol. I., pp. 287-289. London, 1853. Parl. Hist., Vol. V., pp. 975-976. House of Lords MSS., Vol. II. (New Series), No. 955.

† "The project, as explained by Paterson, had a generous and fearless liberality, standing in noble contrast with the restrictive spirit of the period. It was to be free of the narrow policy of British commerce, and utterly in contrast with the exterminating exclusions of the Spaniards . . . . Paterson called on his countrymen . . . to open the advantages of their commerce to all the world, and to enrich themselves, not by making the rest of mankind poor, but by leading the universal march onward. The vessels of all governments were to be free to the new ports, contributing only their proportion to the revenue of the establishment, and thus the merchandise of all nations was, in that favoured spot of the globe, to be accumulated without restriction or distinction." Burton's History of Scotland, Vol. I., p. 307.

‡ "The Scotch ministers, at the late conference, among other things, touched at the convenience their settlement might be to England in case of the King of Spain's death, and that the French should pretend to seize those countries . . . . the footing the Scotch have taken between Mexico and Peru will, if they keep it, make them very considerable in those parts." Vernon to Shrewsbury; Letters illustrative of the Reign of William III., Vol. II., p. 305.



be carried either in their own vessels or any other ship or vessel for their use." (No. 1486.)

This letter and other documents relating to the Darien settlement were laid before the House of Lords on the 16th of January 1699-1700. It was moved "to have the opinion of the Commissioners of the Customs how far the colony at Darien may be prejudicial to the plantation trade; to address the King that the Treaty of '70 with Spain, and the Spanish Memorial relating to Darien might be laid before the House." On the 18th of January the Commissioners of Trade and Plantations presented a Report to the House. After pointing out the justice of the Spanish claim to the isthmus of Darien, and the consequent danger of a war if the Scottish settlement were recognized, they concluded by explaining that in their opinion the new colony would in any case be highly mischievous to the British plantations in general "and principally to the island of Jamaica, the most important of any of them, by alluring away their inhabitants with the hopes of mines and treasure, and diverting the present course of trade which is of the greatest advantage to England."

After debate, the Lords decided that the King's instructions to the Governors of the various plantations were in accordance with the Address of both Houses of Parliament of the 13th of December 1695.\* On the 8th of February the debate was resumed, and a Motion was carried, "That the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this kingdom." Several Peers, however, protested against this Motion on the ground that no sufficient reasons had been brought forward in the debate to determine a point of so much importance.† It is obvious that a feeling was prevalent in the House that, although it might be necessary for diplomatic and other reasons to disown the Scottish colony at Darien, it was yet extremely undesirable that the trade rivalry and mutual jealousy between England and Scotland should be allowed to continue any longer. It was clear that such a state of things

\* The Address to which reference is made, was presented to the King by the two Houses of Parliament against the privileges conferred on the Scottish Company. L.J., XV. 611.

† Protests of the Lords, edited by J. E. Thorold Rogers, Vol. I., p. 137.

was almost inevitable so long as the two countries were governed by different Parliaments. On the 10th of February, therefore, it was moved "to appoint a time to take into consideration of the union between Scotland and England." The union of the two countries had always been strongly advocated by the King, and he did not lose this opportunity of impressing again upon Parliament his views on the subject. In his answer to the Lords' Address, he emphasised the importance of a legislative union to ensure the happiness and security of the two kingdoms.\* The Lords lost no time in responding to the King's suggestion. On the 13th of February, a Select Committee was appointed to prepare and bring in a Bill to authorise "certain Commissioners of the Realm of England to treat with Commissioners of Scotland for the weal of both kingdoms." This Bill (No. 1513), which is almost identical with the Act of 22 Car. II. c. 9., was read 1<sup>a</sup> on the 16th of February, and on the 28th of February it was sent down to the Commons by two Judges with a special recommendation "as a Bill of great consequence."† The Commons, however, who resented the action of the Lords in recommending the Bill, threw out the measure on Second Reading. Before the end of the reign there were two further attempts at the legislative union of the two countries. On the 24th of June 1701, the day on which the 5th Parliament of the reign was prorogued, the Lords appointed a Select Committee "to consider of the union between England and Scotland," and on the 28th of February 1701-2, the King, a few days before his death, in a Message to the House of Lords (No. 1747), once more drew the attention of Parliament to the object which he had so much at heart.

The affairs of the two East India Companies were again before Parliament this Session. The New Company, which had been established by Charles Montagu in 1698, had from the first been much handicapped by a want of capital.‡ It

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\* L.J., XVI. 514.

† See Burton's History of Scotland, Vol. I., p. 337.

‡ The Promoters of the Company had advanced the sum of 2,000,000*l.* to the Government at 8 per cent. on the understanding that they should have the exclusive right to trade in the Indies after 1701.

"No sooner was this New Company erected, than great and obvious difficulties and objections were started against their proceeding to trade.



had also to contend against the active opposition of the Old Company, which, as early as the 24th of February 1698, only a few months after the New Company had been established, petitioned the House of Commons that the old Corporation might be allowed to continue for the remainder of the term of 21 years granted to it in its Charter of 1693.\* A Bill was presented for this purpose to the House of Commons, but, although the majority of the Tories were strongly opposed to the New Company, it was apparently felt that it would be unwise to do anything that might have the effect of destroying a body upon the formation of which so much money had been expended, and which had so recently obtained the sanction of Parliament. The Bill was accordingly thrown out on Second Reading but only by a majority of 26 votes.

No such consideration, however, seems to have influenced the Commons in the present Session. A Bill "for continuing the Government and Company of Merchants of London trading to the East Indies a Corporation" was introduced into the House of Commons on the 24th of January, and was sent up to the Lords on the 13th of February. On the 19th of February Counsel were heard on behalf of the Promoters of the Bill, and also on behalf of the New Company which petitioned against the proposed measure (No. 1512). Mr. Dodd, for the Petitioners, complained that the Old Company was attempting to "confound the words of an Act of Parliament. We have offered to take them in almost at any rate, I think to a fourth of the trade. We are willing to accommodate."† Sir Thomas Powys, for the

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during the three years remaining to the Old Company, who were in possession of the forts and of the privileges granted in India by the Moguls, etc. And even though the New Company should wait till Michaelmas 1701, when they would have the exclusive trade, the old one was, nevertheless, still at liberty to dispose of their forts, settlements, factories, etc., at their own price, as not being restrained by the Act of Parliament from selling them even to foreigners. Nor were they by this Act absolutely dissolved at the end of the three years, seeing their estate is thereby made liable to pay all their debts, which could not be effected within the limits of those three years. Moreover, the Old Company had artfully subscribed 315,000*l.* into the new stock in the name of Mr. John Dubois, their treasurer, whereby they were possessed of above one-seventh part of the whole new capital of two millions." *Annals of Commerce, Manufactures, Fisheries, and Navigation, etc., of the British Empire and other Countries*, by David Macpherson, London, 1805.

\* C.J., XII. 526, 557.

† "The Lords have been busy these two days. Yesterday, they heard Counsel about the Bill for incorporating the old East India Company. They have committed it, and intend to proceed upon it on Friday next.

Promoters, replied that the New Company aimed at "the utter extirpation of the Old. They say we would overthrow that Company. No, we desire only to be in the same station we are or were." He then proceeded to explain how important it was for the Old Company to be continued. "They have many privileges and grants from several Indian princes, and when they are dissolved they are lost." In Committee, on the 23rd of February, the Judges were asked "whether anything in this Act does repeal any part of the former Act granted to the New East India Company, or alter, change, or take from them, any of their liberties, privileges, immunities and benefit granted to them by the said Act, except continuing the Old Company a Corporation." The Judges replied that it would take some time fully to consider this question, but their opinion seems to have been clear that the real effect of the Bill was to continue the Old Company as a Corporation. On the same day proposals in writing were put in by the New Company stating that, in order to avoid the evils which must arise from the continued existence of two companies trading "with a like name to the same places in a joint stock," they were willing, not only to admit the 315,000*l.* already subscribed on behalf of the Old Company into their joint stock, but also to allow the Old Company such larger share of their fund and trade as the House of Lords might think reasonable. They also expressed their willingness that the dead stock of the Old Company should be valued at 150,000*l.*, although they pointed out that this sum was, in their opinion, greatly out of proportion to its real value. These proposals were not accepted by the Lords, who also refused to put a proviso into the Bill for the protection of the subscribers of the 2,000,000*l.* raised by the New Company. The Bill which definitely established two East India Companies, was passed without any Amendment, and received the Royal Assent on the 11th of April.\*

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They have allowed so much time to see what proposal will be made by the new Company for an accommodation, who instructed their Counsel to express the desires they had of uniting, and that they would readily submit the terms to the judgment of the Lords. I am afraid this expedient will avail little; they talk as if an accommodation could not be practicable till the Bill were past." Vernon to Shrewsbury; Letters illustrative of the reign of William III., Vol. II., p. 437.

\* The two Companies were not amalgamated until 1708.



On the same day the King gave his consent to the Poor Relief (Encouragement of Manufactures) Bill (No. 1509), an Act which affected prejudicially the trade of both the East India Companies.\* The Act provided, that after the 29th of September 1701, all wrought silks, bengalls, and stuffs mixed with silk or herba of the manufacture of Persia, China or East India, and all calicoes painted, dyed, printed or stained there, which were, or should be, imported into this kingdom, should not be worn in England, Wales or in the town of Berwick-upon-Tweed. The Bill reached the House of Lords on the 10th of February. Various dealers and retailers of Indian goods were heard by Counsel on the 15th and 17th of February. It was urged on their behalf that the East Indian trade was a very profitable one to the nation, and that, if the Bill were passed, it would ruin many of the Petitioners "who, with the trades and employments depending thereon, are as numerous as the weavers and others, who pretend to be aggrieved." These protests, however, were unavailing and the Bill was passed without amendment.† The economic doctrine that the people of England would be ruined by the importation of commodities manufactured abroad was too generally accepted at this period for opposition to a measure of this kind, however reasonable, to have any chance of success.‡ "For a hundred years past," observed a Dutch writer in 1751, "the English have considered exportation, and sale of goods and merchandises abroad, as the only profitable and advantageous trade of that kingdom, and on the contrary left it very doubtful whether

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\* "The Old East India Company will get no great advantage by the struggle they have been making; perhaps they may carry it for their being a corporation; but it was moved yesterday to go into a committee, to consider of the East India trade and how to improve the manufactures of the Kingdom. It is very probable that, in the conclusion, all wrought silks and calicoes from India may be prohibited, if it shall appear reasonable to be done. No favour or partiality will prevail in this House to the contrary." Vernon to Shrewsbury; Letters illustrative of the reign of William III., Vol. II., pp. 415-16. In a Return supplied by the Commissioners of the Customs, in obedience to an Order made by the House of Lords on the 12th of February, it was shewn that within a period of three years, 1696-1699, 4,177,859 oz., 15 dwt., of silver and 4,027 oz., 3 dwt., of gold, had been exported to India. No. 1506.

† "This wholesome law greatly revived the drooping spirits of our own silk and stuff manufacturers." Annals of Commerce, &c., by David Macpherson, Vol. II., p. 709.

‡ See The Growth of English Industry and Commerce, Modern Times, Part I., Mercantile System, by W. Cunningham, D.D., pp. 463-466.

the importation of goods be beneficial or prejudicial.”\* The Woollen Manufactures, &c., (Export Duties) Act, which exempted from the payment of export duty all English woollen goods, as well as various kinds of corn and grain, is a good example of the commercial policy to which reference is made. The Act was passed first, for the encouragement of woollen manufactures, upon the improvement of which “and the profitable trade carried on by the exportation of the same,” the wealth and prosperity of the kingdom was said largely to depend, and secondly, for the greater encouragement of tillage. There is an allusion to this Act in a Petition of Frances, Duchess Dowager of Richmond and Lenox† “and her under-farmers of the duty of subsidy and aulnage on woollen manufactures” who complained against certain of its provisions (No. 1539). The Lords inserted an amendment for the protection of the Duchess, but did not insist upon it when it was objected to by the Commons.

The Bone Lace Act, 1697, Repeal Act, to which reference is made in No. 1544 was also designed for the encouragement of the English wool trade.‡ This Act was passed despite the protests of the English lace makers who complained that many families, and particularly such as had entered into the industry on the encouragement of the late Act would be ruined.

During this and the subsequent Session the two Houses were so much occupied in political controversy and in disputes with each other, that there was comparatively little legislation of a general character. There were, however, several Bills under the consideration of Parliament at this period which are worthy of attention.

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\* See *The Growth of English Industry and Commerce, Modern Times, Part I., Mercantile System*, p. 405.

† This lady was the celebrated Miss Frances Stewart, “La Belle Stewart” of the Court of Charles II. She married Charles, Duke of Richmond and Lenox, as his third wife, in 1666-7, and died on the 15th of October 1702. *Complete Peerage*, Edited by G.E.C. Vol. VI., p. 361.

‡ This Act was a confession of our failure to protect our own lace industry. The Act of 1697 had been passed for that purpose. The people of Flanders retaliated by placing a prohibition on English woollen manufactures. The consequent loss of trade necessitated the passing of this Act by which foreign bone-lace was to be re-admitted into this country three months after the prohibition on English woollen manufactures in Flanders was taken off. See *House of Lords MSS.*, Vol. III. (New Series) No. 1215, and the Introduction to that Volume.



The Attornies Bill (No. **1482**) which was passed by the House of Lords on the 8th February 1699-1700, was based on some of the recommendations of a Committee, appointed in 1697-8 to consider methods to restrain the great expense and lengths of suits in the courts of Law and Equity. One of the points to which the attention of that Committee was particularly directed, was to devise a plan by which the number of attornies might be limited and their qualifications described. A Bill to effect this purpose, and to make other reforms in the procedure of the courts, was passed by the Lords, but thrown out after it had been read 2<sup>a</sup> in the Commons on the 21st of May 1698.\* The Bill of this Session was limited to an attempt to insure as far as possible that attornies should not be allowed to practise unless they were duly qualified and their names entered upon the rolls of their several courts. The Preamble of the Bill states that "the numbers of attornies and such as practise as attornies who have neither skill or integrity, are now increased to more than ever, so that they cannot subsist by their lawful practice, but for a livelihood are forced to promote unjust and vexatious suits, to the disquiet and impoverishment of many of his Majesty's good subjects, and especially the poorer sort." This statement was probably made owing to the congested state of business in the courts at Westminster, but, despite the notoriety of this fact, the Bill was dropped in the House of Commons. An attempt was, however, made to check "frivolous and vexatious suits in the Principality of Wales and the Counties Palatine" by a short Act which was passed this Session, providing that in all personal actions in which the jury found the damages to be under forty shillings, the plaintiff should not recover or obtain more costs of suit than the damages might amount to.† (No. **1519**). On the 26th May 1701 the Lords tried to make the same rule applicable in the inferior courts in England. They passed a Bill for this purpose and also to prevent suits being "commenced by process out of inferior courts when

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\* House of Lords MSS., Vol. III. (New Series). No. **1200**.

† This rule was already in force in the courts at Westminster under the provisions of 43 Eliz. c. 6. and 22 & 23 Car. II. c. 9., but was held not to apply to the inferior courts in England or to the courts in Wales.

the cause of action does not arise within the jurisdiction of such inferior courts." The Bill was rejected by the Commons on Second Reading (No. **1636**).

The Plate (Assayers and Standard) Bill (No. **1545**), which was sent up to the Lords on the 27th of March, was an attempt on the part of the provincial goldsmiths and silversmiths to secure the repeal of a provision in an Act "for encouraging the bringing in wrought plate to be coined," passed in 1696-7.\* In Petitions to the House of Commons, the goldsmiths of Exeter and Chester complained that they could not exercise their trade because their plate was liable to be seized unless it bore the Britannia mark which, according to the terms of the Act, could only be affixed by the Goldsmiths' Company in London.† The Commons appointed a Committee to consider these Petitions, upon whose recommendations this Bill was introduced. The Bill, in addition to lowering the standard from 11 oz. and 10 dwt. of fine silver in every pound Troy to 11 oz. and 2 dwt. with 18 dwt. of alloy, proposed to incorporate the goldsmiths and silversmiths of York, Bristol, Exeter, Chester, Norwich and Newcastle-upon-Tyne, into Companies for the purpose of assaying and marking plate. The Bill was dropped in the House of Lords, probably on account of the evidence of Isaac Newton,‡ who was heard in C.W.H. on the 4th of April and stated that the Officers of the Mint were of opinion that, if the Bill were passed, it would encourage the melting down of money which it had been intended to restrain by the Act of 8-9 Will. III. "I am afraid the more plate is made the more danger the money will be in."§

On the 11th of April 1700 Parliament was suddenly prorogued. It was dissolved on the 19th of December without having met again. Almost immediately after the Prorogation the King, who, judging from the events of the Session, probably despaired of any respite from political agitation so long as

\* 8-9 Will. III. c. 8. Fol. Ed.

† C. J., XIII. 96.

‡ He had been appointed Master of the Mint on 26 Dec. 1699. Luttrell's Diary, Vol. IV., p. 597.

§ An Act was passed on 12 June 1701 "for appointing Wardens and assaying Wrought Plate in the Cities of York, Exeter, Bristol, Chester, and Norwich." 12-13 Will. III. c. 4. Fol. Ed. This Act did not, however, alter the standard weight of silver.



L. Soñers continued to be Lord Chancellor, deprived the eminent Whig statesman of the Seals,\* which, after they had been refused by Chief Justice Holt and the Attorney-General, Sir Thomas Trevor, were given to Sir Nathaniel Wright, with the title of Lord Keeper.† William now seems to have determined to trust himself entirely to the Tory party. L. Godolphin returned to the Treasury, E. Rochester became Lord-Lieutenant of Ireland, and Sir Charles Hedges was made Secretary of State. The new House of Commons, which met on the 10th of February 1700-1, contained a large preponderance of Tories. On the following day the King addressed both Houses of Parliament (No. 1558). He began by an allusion to the death of the Duke of Gloucester, which made it necessary that there should be a further provision for the succession in the Protestant line. He then called the attention of Parliament to the state of affairs abroad caused by the death of the King of Spain‡ and the declaration of the Duke of Anjou as his successor. "I make no doubt, but your resolutions thereupon will be such as shall be most conducive to the interest and safety of England, the preservation of the Protestant religion in general, and the peace of all Europe." He recommended that Parliament should see to the condition of the fleet "and consider what repairs or augmentations may be requisite for the navy, which is the great bulwark of the English nation, and ought, most especially in this conjuncture, to be put in good condition." On the 13th of February the Lords passed an Address, thanking the King for his Speech, and on the following day it was sent to the Commons for their agreement. On the 17th, a Conference was held between the two Houses, at which the representatives of the Commons informed the Lords that the House of Commons had already agreed upon a Vote to be presented to the King. On the same day the intercepted letter from L. Melfort to E. Perth was, by the King's order, presented to both Houses of Parliament. This letter§ evidently impressed the Peers with the reality of the Jacobite designs for the invasion of the

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\* Luttrell's Diary, Vol. IV., pp. 639, 640.

† Parliamentary History, Vol. V., pp. 1224-1226.

‡ Charles II. of Spain died on the 1st of November, 1700.

§ L.J., XVI. 598-600. *In extenso*.

country. A Motion was immediately carried "to thank the King for communicating this letter, and that he will give order for disarming disaffected persons, and desiring him to fit out a fleet with all speed, and assure his Majesty that this House will assist him in all things they can do." On the 20th of February E. Bridgewater, on behalf of the Board of Admiralty, laid before the House of Lords a statement with regard to the condition of the fleet (No. 1571). According to this account there were at that time 29 ships of 50 guns and upwards, "at home in sea pay," as well as 6 fourth rate, 19 fifth rate, 13 sixth rate, and other smaller vessels employed abroad and on the coast of Ireland. The Board also reported that 69 other ships which were in a condition to be fitted out for sea, might be "despatched in two months or ten weeks' time, provided money be timely procured; . . . nothing will obstruct their going to sea but want of men, if the Commissioners for Victualling are supplied with money to enable them timely to procure provisions for them." The lowest complement for the 69 vessels was estimated at 28,716 men, the highest at 43,744. The Lords appointed a Select Committee to consider the state of the fleet, over which E. Rochester presided. The Commissioners of the Admiralty and of the Victualling Office were called in, and gave evidence with regard to the mobilisation of the fleet. They informed the Committee that there were eight ships already in the Downs, and also gave a list of 25 others which had been ordered to join them. In answer to a question as to what methods were proposed for the speedy manning of the fleet, Sir David Mitchell, one of the Commissioners of the Admiralty, handed in a written statement with regard to the system which had been pursued in 1695.\* The Committee were evidently impressed with the efficacy of these methods, as a Motion appears to have been made in the House to address the King to carry out practically the same course on this occasion. On the 21st of February Sir David Mitchell told the Committee that it was usually the duty of the captains to find the men, but that sometimes "the Admiralty have ordered a Flag Officer

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\* This statement and the Motion made in the House with regard to it are quoted at length in the MS. Min., but do not appear in the Journal.

to do it.”\* Mr. Coleby, one of the Commissioners for Victualling the Navy, stated that his Department was preparing provisions for 10,000 men, and that when further orders were received additional stores would be prepared. From an account which was presented on the following day (Annex (a)), it appears that 29 ships were already victualled or in course of victualling. The Committee reported their proceedings to the House on the 21st of February, and a proposal was made for the appointment of a Joint Committee of the two Houses, “to consider the state of the fleet, and how to speed the fitting out a fleet in this conjuncture.” This suggestion was not adopted, but certain recommendations were made and embodied in an Address to the King.† William, in his answer, stated that he had given orders in accordance with the recommendations of the House. The Lords, however, were apparently not satisfied with the rate of progress that was being made in getting the fleet ready, for on the 11th of March they sent for L. Haversham, one of the Lords of the Admiralty, and ordered that the Commissioners “do, with all convenient speed, lay before this House, the present state of the ships ordered for sea service; and that they continue so to do from week to week.” Returns on this subject were accordingly presented to the House on the 13th of March, the 20th of March, the 28th of March, the 11th of April and the 24th of April. It is interesting to observe that in the first return the total number of ships is given at 83, with a complement of 21,466 (8,842 men borne and 7,303 mustered), whilst in the last return there are 101 ships, with a complement of 24,181 (22,069 men borne and 21,071 mustered).

In their Address to the King in reply to his Speech at the opening of the Session the Lords had asked that all treaties made between his Majesty and any other Prince or State since the late war might be laid before them. Accordingly on the 26th of February and the 6th of March various treaties and conventions were presented to the House (No. 1599). On

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\* The Lords in the Address which they presented to the King recommended that this plan should be adopted on the present occasion. L.J., XVI. 605.

† L.J., XVI. 605. *In extenso*.



the 12th of March a Motion was made that the Lord Chamberlain should humbly move his Majesty "that all matters any way relating to the negotiations of the treaties be laid before the House." On the following day various documents referring to the treaties were brought to the House and on the 14th of March the treaties were taken into consideration. It at once became apparent that the Lords were dissatisfied with the manner in which the negotiations for the Second Partition Treaty had been carried on. A Motion was made "to represent to the King that anything of this nature may be prevented for the future. This method of acting is not agreeable to our Constitution." A Committee was then appointed "to state the matter of fact that appear to this House upon this Treaty, and the methods taken on it, and then desire a Committee of the House of Commons to meet and consider the methods to prevent the like for the future." The Report of this Committee, which is printed in the Journal,\* was considered by the House on the 15th of March. Two days later E. Marlborough acquainted the House that he had received the King's permission to speak, and stated some of the facts with regard to the framing of the Treaty. E. Pembroke, L. Soñers, L. Halifax and E. Portland were also heard. Mr. Secretary Vernon then made a statement to the Committee which was reported to the House. On the 18th of March the Lords appointed a Committee to draw up an Address to the King and a proposal was then made to advise him never to treat with the French King "with any paper treaty, but have matters of act for the future." This suggestion was rejected by 38 votes to 31, but words of much the same character were introduced into the Address which was finally agreed to by the House on the 20th of March.† In this Address the Lords stated their objections to the Partition Treaty, protested against the manner in which it had been drawn up, and requested the King in the future "to impart all affairs, both at home and abroad," to a Council composed only of his natural born subjects.

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\* L.J., XVI. 623.

† Burnet's History of his own Time, Vol. IV., pp. 470, 471. Oxford, 1883. L.J., XVI. 628.

In the House of Commons the opposition to the Partition Treaty was much more violent. The Tory majority, not content with expressing their disapproval of the Treaty, determined to punish the late ministers who were responsible for it. On the 1st of April they resolved to impeach E. Portland. A fortnight later Motions were carried to impeach L. Soñers, E. Orford and L. Halifax.\* These impeachments are dealt with in No. 1615, in which details from the MS. Min. and Com. Book are given when they supplement or differ from the account of the proceedings supplied in the Journal. Popular opinion, which at first seems to have been against the ministers responsible for a Treaty that was supposed to be against the interests of British trade, appears to have veered round when it became clear that the action of the House of Commons was due far more to political rancour than to an honest wish to punish men who had betrayed the interests of their country.†

In the quarrel between the two Houses which arose with regard to the impeachments, the Lords held, therefore, a much stronger position than they had held in the dispute over the Irish forfeitures. On that occasion the action of the Commons in resuming the royal grants was supported by popular opinion, but in the matter of the impeachments it was soon quite clear that the majority in the House of Commons did not represent the opinion of the country.

There can be little doubt that the Commons would have dropped the impeachments if it had been possible, but the Lords, conscious of the strength of their position, were determined to try the issue. The four impeached Peers themselves moved for the trial. After much delay, the articles of impeachment were exhibited against E. Orford and L. Soñers; those against L. Halifax were not exhibited until the close of the Session and those against E. Portland were never sent up from the House of Commons. The Lords went thoroughly into the question of precedents for such trials and appointed a Committee "to consider of the methods of impeachments

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\* C.J., XIII. 489, 490.

† E. Jersey and E. Marlborough who had signed the Partition Treaty, but who had now joined the new Government, were not impeached by the Commons. They both voted in favour of the impeachment of L. Soñ



for misdemeanours." They rejected a suggestion made by the Commons at a Conference to appoint a Joint Committee of the two Houses, maintaining that by all custom they had the power of directing the trial. They refused to exact any security from the impeached Peers that they would abide the judgment of the House, and they drew up an Address to the King requesting him "not to pass any censure or punishment against the four noble Lords who stand impeached of high crimes and misdemeanours until the impeachments depending against them in this House shall be tried."\* At one of the Conferences which were held between the two Houses, L. Haversham made use of some strong expressions against the Commons for their action in the matter of the impeachments. The Commons seized on this as a further excuse for delaying matters and ultimately refused to attend the trial. On the 17th of June the Lords, by 56 votes to 32, formally acquitted L. Soñers of the charges made against him. The names of all the Peers who voted are given in the MS. Min. L. Halifax and E. Orford, at their own request, were excused from voting, but E. Portland exercised his right to vote, pursuant to a Resolution of the House made on the 11th of June, which stated that no Lord impeached should be prevented from voting except on his own trial.† The Commons had protested against this at the Conference on the 13th of June, when Sir B. Shore argued that it was abhorrent to justice that men owning themselves guilty of the same fact should vote at each other's trial. On the 23rd of June E. Orford was unanimously acquitted; 43 Peers voted in his favour amongst whom was E. Portland. The Peers who objected to the proceedings of the House in this case, and, consequently, absented themselves from the division, were declared guilty of a great and wilful neglect of their duty. The following day the House dismissed the impeachments against E. Portland and L. Halifax and also the charge against L. Haversham.

The close of the Session put an end to any further quarrels between the two Houses. In the following February, after a General Election, a Committee appointed by the House of Commons to consider of the rights, liberties and privileges of that House, resolved, amongst other things, "That it is the

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\* L.J., XVI. 555.

† L.J., XVI. 736.

opinion of this Committee that it is the undoubted right of every subject of England under any accusation, either by impeachment or otherwise, to be brought to a speedy trial in order to be acquitted or condemned." \* The action of the House of Lords in the previous Session may therefore be said to have been justified by the vote of the House of Commons itself.

There are numerous papers in this Volume with reference to the American Plantations (Re-union with the Crown) Bill (No. 1634), which during this Session was considered by the House of Lords. The introduction of this Bill was due, as the Preamble sets out, to the fact that the experiment of entrusting to certain grantees the "full power of exercising royal government and other jurisdictions" over the inhabitants of various plantations in America had "by experience, been found prejudicial and repugnant to the trade of this kingdom and to the welfare of his Majesty's other plantations in America, and to his Majesty's revenue arising from the Customs, by reason of the many irregularities committed by the governors of those plantations and by those in authority there under them, by encouraging and countenancing pirates and unlawful traders and otherwise."

In the previous Parliament, owing no doubt to the scandal revealed by the affair of Captain Kidd and to the reiterated demands of the East India Companies, which suffered most severely from the attacks of the pirates,† an Act (No. 1546) had been passed for the more effectual suppression of piracy. Although the provisions of this Act were very drastic,‡ it does not seem to have had much effect. The colonists had no intention of being dictated to by the English Parliament, and the governments of the proprietary states were either

\* C.J., XIII. 767.

† "The colonists of North America felt the grievance of being debarred from a direct trade with the East, and they showed scant respect to exclusive privileges conferred by a Parliament in which they were not represented. Though they were prohibited from having a part in legitimate trade, they could not be prevented from taking their chance of plunder. The extent to which piracy was developed by the colonists, with the connivance of some of the authorities, would be incredible, if it were not established by abundance of documentary evidence." *Growth of English Industry and Commerce*, by W. Cunningham, *Modern Times*, Part I, p. 271.

‡ "It defined the offence, overruled charters in constituting courts for its trial, and, should a charter governor fail to obey the new statute, declared the charter of his colony forfeited." *History of the United States of America*, by George Bancroft, Vol. II., p. 83. New York, 1885.



unwilling or unable to enforce the Statute. The letters of Colonel Quarry, the Judge of the Admiralty Court in Pennsylvania, which are published in this Volume, sufficiently illustrate the difficulties of trying to maintain the jurisdiction of the Admiralty in those plantations which were not directly under the control of the Crown. But, in addition to the prevalence of piracy, there were other causes which induced the Commissioners of Trade to recommend "that the Charters of the several proprietors should be re-assumed to the Crown, and the colonies placed on the same footing as the other plantations." The Commissioners complained that the proprietary states did not conform to the Acts of Parliament for regulating trade and navigation; that they denied the right of appeal to his Majesty in Council; that they were beginning to trade in woollen and other manufactures proper to England "instead of applying their thoughts and endeavours to the production of such commodities as are fit to be encouraged in those parts, according to the true design and intention of those settlements" \*; and, finally, that they neglected to put themselves into a state of defence against the enemy.† It was possibly this latter consideration as much as any other which led to the introduction of a Resumption Bill in the House of Lords at this period. The action of the Peers with regard to the navy proves that they realised that another war with France was imminent, and that consequently it was essential that attention should be given to the military defences of the colonies. The Bill was read on the 24th of April. Counsel and witnesses were heard for the Bill and also on behalf of Mr. William Penn and other proprietors who petitioned against the proposed measure. Mr. Montagu stated that the Bill

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\* England at this period was almost entirely dependent on Russia and Sweden for naval stores, and the Commissioners of Trade were endeavouring to promote a trade in such commodities from the colonies in America. See Nos. **1503**, **1607**, **1716**. In their Report to the House of Lords, however, the Commissioners come to the conclusion, "that though his Majesty's plantations are capable of furnishing naval stores of all sorts in great abundance, yet the first attempt of that kind will be very chargeable, and not to be effected without greater assistance from the public than the inhabitants of the plantations, or other private traders, are capable to furnish." See No. **1718**. In 1704 a bounty was offered on naval stores. History of the United States, by George Bancroft, Vol. II., p. 84.

† See the Report from the Commissioners of Trade to the House of Commons on the 27th of March 1701 (C.J., XIII. 446-449), and also their Report on the plantation trade, dated 16 Feb., 1701-2, No. **1718**.

was "founded upon the general reason that no power in the plantations should be independent of England." Mr. Phipps, who appeared for Sir Henry Ashhurst, agent for the colony of Connecticut, complained that if the charter were taken away, it would mean the "absolute dissolving of the colony." The same Counsel, who also appeared for Lord Baltimore, the proprietor of Maryland, stated that the Bill would ruin that nobleman and his family.\* Mr. Penn himself was absent in Pennsylvania, but a proclamation issued by him against pirates was read by his Counsel, and a letter from him to the Lords of the Admiralty with regard to the allegations made against his government was laid before the House.† Despite the opposition, the Bill was read 2<sup>a</sup> on the 23rd of May and committed. The Committee stage, however, was continually postponed, with the result that there were no further proceedings on the Bill until the 11th of June when, after a division, an Order was made to proceed with the Bill on the following day. There do not appear to have been any further proceedings during the Session.‡

On the 12th of June the King gave his consent to an "Act for the Limitation of the Crown and better securing the Rights and Liberties of the Subject" (No. 1651). It is rather curious that this Act, which settled the succession upon the Electress of Hanover and her descendants, being Protestants, thus definitely precluding the possibility of the restoration of the House of Stuart, should have been the work of the Tory Party. It is still more surprising, and affords a striking example of the inconsistency of political opinion at this time, that the Tories should have taken credit upon themselves for the stringent limitations of the royal prerogative which are contained in the Act.§ The Bill was sent up to the Lords on the 14th of

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\* In his Petition Lord Baltimore stated that the revenue of the Crown profited to the extent of 60,000*l.* a year from the duties on tobacco from Maryland. See No. 1634 Annex (*f*).

† No. 1634 Annex (*l*).

‡ As a result possibly of this Parliamentary inquiry into the government of the proprietary colonies, the proprietors of East and West New Jersey gave up their right to appoint governors. Luttrell's Diary, Vol. V., p. 82.

§ See The History of the last Parliament began at Westminster the tenth day of February, in the twelfth year of the reign of King William, An. Dom., 1700. London, 1702. See also The Constitutional History of England, by Henry Hallam, Vol. III., pp. 246—266. London, 1832. The History of Political Transactions and of Parties, by Thomas Somerville, D.D., pp. 567—578.



May. A week later it was considered in Committee with the Bishop of Salisbury in the Chair, and an attempt was made to insert two clauses. The first of these was to the effect that no future sovereign should "create or make any Peer of England that does not settle and annex by Act of Parliament to his honour" a definite sum of money, which was not to be alienated without the consent of Parliament. This provision may have been intended, by insuring that in the future all persons created Peers should be men of independent means, to prevent the possibility of any scandal arising from the bestowal upon them of grants of land or pensions by the Crown.\* The second amendment provided that no woman should be created a Peeress in her own right. Neither of these proposals appear to have commended themselves to the House, for they were both negatived without a division.

The Prisons (King's Bench and Fleet) Bill (No. 1611) was a fresh attempt to regulate the administration of these two Prisons—a matter which in one form or another had been under the consideration of Parliament since 1696.† The Commons' engrossment of this Bill, which was sent up to the House of Lords on the 24th of March 1700–1, is not amongst the records, but it is possible to obtain some idea of its provisions from the Reasons which the Lords drew up for the far-reaching amendments made by them.‡ These amendments were based upon the evidence of the Lord Chief Justice, who on the 3rd of May appeared before the Select Committee to which the Bill was referred. He admitted that there was great need for some measure of the kind, but argued that the Bill would not effect the purpose for which it was designed. "The Bill supposes country gaolers will be honester than the gaolers in town; but we find frequent complaints of them at the Assizes . . . . By this Act there is a charge on the sheriff which he is not now liable to. As the law now is, he is obliged to keep the prisoner no longer than he can bring the prisoner to the King's Bench or Fleet Prisons. If the sheriff die, the prisoner is in no man's

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\* See Articles vii. and viii. in the Commons' impeachment of L. Somers. L.J., XVI. 691–2.

† House of Lords MSS., Vol. II. (New Series). Nos. 1049, 1111 and 1114; and Vol. III. (New Series). Nos. 1199, 1299 and 1301.

‡ L.J., XVI. 681.



custody till there be a new sheriff. This Bill dissolves the Prisons of King's Bench and Fleet, other than to take prisoners for contempt. Then the four courts in Westminster Hall have no prisoners or officers, if these Prisons be dissolved." On the 6th of May the Judges handed in certain clauses which were incorporated in the Bill, apparently without any complaint on the part of the promoters. The principal effect of these alterations seems to have been : first, to make it impossible to convey, grant or assign "the office of Marshal of the Marshalsea, being the Prison belonging to the Court of King's Bench," or the office of Warden of the Fleet without the consent and approbation of the courts at Westminster ; secondly, to prevent the reserve of any rent or annual sums upon such grants or assignments to persons other than the actual grantee ; and thirdly, to protect the interest of creditors by doing away with "the liberty of the Rules" of the two Prisons, except in certain special circumstances to be approved by the Judges. The Bill was read 3<sup>a</sup> on the 10th of May, and five days later was delivered, with the Lords' Reasons for the amendments, to the Commons at a Conference. The relations between the two Houses were at this date rather strained in consequence of the impeachment of L. Soñers and the other Whig leaders. This may account for the fact that the Commons never took these amendments into consideration, with the result that the Bill was dropped.

Two Bills, upon which the Lords and the Commons formed very different opinions, are referred to in No. 1678 and No. 1681.

The first of these, the Justices of the Peace (Qualification) Bill, was rejected by the Lords after the Second Reading. It was brought from the Commons on the 14th of June. The object of the measure was to prevent any person from being appointed a Justice of the Peace for any county in England unless he had "lands or tenements of the clear yearly value of four hundred pounds within the Kingdom of England or Dominion of Wales, either in fee simple, fee tail, or for life or lives, or for years determinable upon life or lives, or copyhold of inheritance." In Wales and the county of Monmouth the qualification was reduced to two hundred pounds. The Commons complained that "persons of small

estates and mean education" had lately been made magistrates, and that the names of many persons of property and reputation had been removed from the Commission of the Peace. This policy was attributed, though apparently with no justification, to the political spite of the Lord Chancellor.\*

The rejection of the other Bill to which attention has been drawn—the Public Accounts Commissioners Bill—was a matter of more difficulty, and would probably have led to a quarrel between the two Houses had not the Prorogation taken place at an opportune moment. On the 25th of February the Commons received the Report of the Commissioners who had been appointed under an Act of the previous Session "to take, examine and determine the debts due the army, navy and for transport service; and also an account of the prizes taken during the late war."† This Report was unsatisfactory, as it contained no account of the prizes taken in the late war, nor could any such account be procured. Two of the Commissioners, Paschal and Parkhurst, both of whom were members of the House of Commons, were examined and, as they refused to give any satisfactory explanation of their conduct, were committed to the Tower. An order was then made that a Bill should be prepared "for appointing and enabling Commissioners to take, examine and state the public accounts of the kingdom."‡ This Bill was read 3<sup>a</sup> in the House of Commons on the 18th of June. On the 21st of June it was read 2<sup>a</sup> in the House of Lords after a division.

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\* Parliamentary History, Vol. V., p. 1224.

† 11 Will. III. c. 8. Fol. Ed.

‡ "It remains yet farther to be specify'd, That on the 25th of March, the Commons order'd a Bill, to take and state the public Accounts to be brought in: That on the 17th of April, the said Bill was brought in accordingly; and that in the course of the Session it was gradually completed: But in such a form, with such circumstances, and lodging the powers of it in such hands, as render'd it wholly unpalatable to the House of Lords. For in the first place, it not only continued the former Commission to state the Army, Ordnance, Transport and Prize-Accounts, but also superinduc'd another general Commission for taking, stating, and examining the Accounts of all money of the public Revenue of the Crown, and all other Accounts which were by all the former Acts of the Reign, or any of them, to be so taken. stated and examined: The Persons so to be employ'd by this Bill were Sir Godfrey Copley; John How, Esq.; William Bromley, Esq.; Sir Humphrey Mackworth; Sir Bartholomew Shower; Anthony Hammond, Esq.; and Dr. Davenant: All of them inexpressibly obnoxious to the whole Whig Party; and, consequently, such as could not expect the least favour, at such a time, from the House of Lords." Ralph's History of England, Vol. II., p. 973.



In Committee, Counsel were heard on behalf of Mr. Paschal, one of the imprisoned Commissioners, and other Petitioners. The Lords decided to leave out the severe clauses which the Commons had inserted with regard to Mr. Paschal and Mr. Whitaker, Solicitor to the Admiralty, the latter of whom complained that he had never been heard in his own defence. They also rejected the first two enacting clauses of the Bill, and inserted an amendment in favour of a claim made by Colonel Baldwin Leighton.\* The Bill was returned to the House of Commons the same day. On the 24th of June a Motion was made in the Lords that an Address should be presented to the King to ask him to "empower the five Commissioners to execute the powers in the former Act, for taking and stating the public accounts, so far as by law they may."† The arrival of the King to prorogue Parliament interrupted any further proceedings, but on the same day the Commons disagreed to the Lords' amendments, complaining that, by the action of the Upper House, "the supplies provided by the Commons for paying the arrears due to the army must, of necessity, be ineffectual till another Session of Parliament."‡

The proceedings of this Session made it clear to the King that he could expect no real support from the Tories either in domestic affairs or in his foreign policy. E. Rochester and the other Tory Ministers seemed unwilling or unable to manage the House of Commons. As early, therefore, as the 1st of September, William wrote a letter to E. Sunderland in which he suggested the possibility of calling a new Parliament. In his reply E. Sunderland stated that the Ministry grew more hated every day, and advised the King to return to England as soon as possible and send openly for L. Soñers, who was "the life, the soul and the spirit" of the Whig Party, and could answer for it.§

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\* In the first Session of the next Parliament, when this Bill was again sent up to the House of Lords, a Motion was made that a clause should be inserted on behalf of Colonel Baldwin Leighton in relation to a debt due to him. The Lords who expressed themselves as "unwilling to retard the said Bill by adding any clause thereto," appointed a Committee to draw an Address to the King on the Colonel's behalf. The Bill was passed without amendment. L.J., XVII. 21.

† L.J., XVI. 769.

‡ C.J., XIII. 640, 641. Parliamentary History, Vol. V., p. 1322.

§ See Hardwicke Miscellaneous State Papers, Vol. II., pp. 443-447.



On the 16th of September James II. died at St. Germain's and Louis XIV. immediately recognised his son as King of England. It is probable that this action on the part of the French King finally decided William again to appeal to the country in the hope that the popular indignation against France would result in the return of a majority in favour of war with that country. On the 11th of November he accordingly dissolved his fifth Parliament, which had only been in existence for one Session. The elections were fought with even more than the usual heat, and both political parties exerted their full strength, but in the end the policy of a dissolution was justified, and a majority was returned favourable to the King's interests.\*

On the 31st of December William opened Parliament and in the Speech from the Throne, the last which he was destined to deliver in the House of Lords (No. 1690), he took occasion to exhort both Houses "to avoid all manner of disputes and differences." "I should think it as great a blessing as could befall England, if I could observe you as much inclined to lay aside those unhappy fatal animosities, which divide and weaken you, as I am disposed to make all my subjects safe and easy as to any, even the highest offences, committed against me." He explained that the action of the French King "in owning and setting up the pretended Prince of Wales for King of England," and by placing his grandson on the throne of Spain, had brought about a most dangerous state of affairs which demanded the serious attention of Parliament.<sup>1</sup>

The House of Lords immediately appointed a Select Committee to draw up an Address to the King in answer to his Speech. On the 1st of January the Address was agreed to by the House, and it was proposed that it should be signed by all the Peers. On the following day two Motions were made, the first to appoint a Committee to draw an Address to the King with regard to the question of the Spanish Succession, and the second to request the King to lay before the House the alliances which he had already made.† On the 5th of January E. Marlborough laid before the House copies of the treaties which had

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\* Parliamentary History, Vol. V., p. 1323.

† The second Motion is recorded in the MS. Min., but does not appear in the Journal.

been contracted with the Emperor, the States General, the King of Sweden, &c. (No. **1694**).

On the 9th of January a Bill "for the security of his Majesty's Person and Government, and for maintaining the Succession of the Crown accordingly to the two late Acts of Parliament," which had been prepared according to an Order of the House by L. Wharton and L. Haversham, was read 2<sup>a</sup> (No. **1696**). This Bill was sent to the House of Commons on the 13th of January, but it was afterwards dropped in favour of a Bill for the same purpose\* which came up from the Commons on the 20th of February (No. **1735**). This measure was in several respects more stringent than the Bill which had passed the House of Lords. It encountered some opposition in the Upper House, but was eventually passed without any very material amendment. In Committee an objection was made to the provision (Section ix.) which prevented a Peer from sitting or voting in the House of Lords unless he had taken the oath prescribed in the Bill, and a Motion was made to instruct the Committee "that the Bill be altered in this particular, that no oath shall be offered to deprive a Peer from sitting in Parliament." This Motion was lost on a division by 46 votes to 25, and a subsequent proposal to make the oath voluntary was lost by 39 votes to 33. Two attempts were then made to amend the form of oath. The first of these was to insert the words "and I will to the utmost of my power support, maintain and defend the Constitution and Government of this Realm in King, Lords and Commons, as it is by law established." The insertion of these words was negatived by 54 votes to 17. The second amendment was to add the words "I do swear that I will to the utmost of my power support and defend the Church of England as by law established in episcopacy." It was moved to add the words "with the toleration to dissenters." This was agreed to, but, on Question, the whole amendment was negatived without a division. A clause was then proposed to enable clergymen who, by declining to take the oath, might forfeit their livings by the 1st of August, to continue in possession of the profits until the 1st of December. This proposal was rejected by 35 votes to 15. The Bill was read 3<sup>a</sup> on the 24th of February. Nine Peers protested against the measure.

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\* 13 & 14 Will. III. c. 6. Fol. Ed.

This Protest was considered by the House on the 3rd of March, and, after a long debate, the first Reason assigned for the Protest was ordered to be expunged. The remaining Reasons were allowed to stand.\* The Bill received the Royal Assent on the 7th of March. Five days previous to this an Act had been passed for the attainder of the pretended Prince of Wales (No. 1705). The Lords had inserted an amendment which, had it been accepted, would have included Mary of Modena, the widow of James II., within the scope of the attainder. The Commons objected to this amendment, on the ground that no one should be attainted of treason by means of a mere amendment to a Bill, which could not receive adequate consideration. The Lords, who at first insisted on their amendment, replied that it was entirely in accordance with the design of the Bill, "it being notoriously known that the pretended Prince of Wales had been bred up in the Romish superstition and encouraged to all acts tending either to the bringing the French Government into this kingdom or the dethroning his present Majesty as well by the influence of his pretended mother as of the French King." They also cited a precedent for the course they had pursued.† The Commons then demanded a Free Conference, to which the Lords agreed, and five Bishops were added to the thirteen other Peers who had drawn up the Reasons for insisting on the amendment, previously offered by the House. As a result of this Conference the Lords, on the 12th of February, withdrew their amendment, but on the same day a Bill to attain Queen Mary was introduced into the Upper House (No. 1713). The only difficulty which seems to have occurred to the Peers in passing this Bill was whether the Queen, who was a foreigner, could be attainted. The opinion of the Judges was taken upon this point, and was presumably favourable, as the Bill was passed, after a division, by 28 votes to 18. Fifteen Peers protested against the Bill because they complained that no proof had been given of the allegations which it contained. The Bill was read 1<sup>a</sup> in the House of Commons and was then dropped.

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\* Protests of the Lords, edited by James Thorold Rogers, Vol. I., Introduction, pp. xxi., xxii., and pp. 161, 162.

† Viz., the case of M. Exeter (31 Hen VIII.), whose name was added to a Bill of Attainder in a clause inserted by the House of Commons and agreed to by the Lords.



The provisions of the Perjury Bill (No. **1712**), which was passed by the Lords this Session, were almost identical with those of a Bill for the same purpose, which, although it had been carefully amended with the assistance of the Judges, had been rejected by the House of Lords in 1694.\* The Judges were again consulted on this occasion and were requested to draw up a clause to enable the aggrieved party in cases of perjury, made felony by the Act, to appeal. This clause was, however, rejected. On the Report stage the Lord Chief Justice was heard, and stated various inconveniences which might, in the opinion of the Judges, be caused by the Bill. The most important of these seems to have been that the measure would cause considerable delay at the Assizes and might discourage necessary prosecutions. Despite this unfavourable criticism, the Bill was passed, but in the House of Commons it was thrown out on Second Reading.

An Act (No. **1740**) to continue the Act of 1695-6 enabling Quakers to affirm, instead of making an oath in the usual form, became law this Session. The Bill was brought from the Commons on the 16th of February. In C. W. H., on the 25th of February, an attempt was made to insert a proviso to prevent any Quaker or reputed Quaker from holding "any office or place whatsoever" by virtue of the Act. This proviso and a clause to prevent any Quaker from voting for the election of a Member of Parliament were rejected, but another proviso which would have given to Quakers in the plantations the right of affirming in Courts of Law, was not accepted by the House. The Judges were called in, and stated that no inconvenience had been caused by the Act. A proposal was then made only to extend the Act for three years, but a Motion to continue it for 11 years, the period of time decided upon in the Commons, was ultimately carried by 32 votes to 20.

The Freeholders to Keep Arms (Shooting) Bill (No. **1743**) illustrates the fear of a Jacobite invasion that was felt at the time. The Bill, which was based on an Act passed in the reign of

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\* The introduction of the Bill in 1694 was probably due to the notorious perjury committed by various informers in the trial of the Lancashire and Cheshire Jacobites in the autumn of that year. Its rejection by the House of Lords led to a Protest on the part of several Peers. See House of Lords MSS., Vol. I. (New Series). Nos. **860**, **881**.

† 7 and 8 Will. III., c. 34. Fol. Ed.

Henry VIII. for the encouragement of shooting with the longbow, provided that it should be lawful for any natural born subject of the realm who had taken the oaths of allegiance and supremacy and who possessed lands and hereditaments, the annual value of which was left blank, "to keep in his house one musket . . . . and to use and exercise himself, his sons and menservants, in shooting at a standing mark with a single bullet," provided that he committed no breach of the peace and did not use "any gun for the shooting at or destroying any deer, conies, hares, pheasants, partridges or other game, contrary to the laws and statutes in such cases provided." The Bill was read 2<sup>a</sup> on the 4th of March, but the Committee stage was never proceeded with.

The case of William Fuller (No. 1695) affords a further proof of the uneasiness caused by the political activity of the adherents of the Pretender. In ordinary circumstances, it is unlikely that the Peers would have listened to the evidence of an adventurer, who, in 1692, had been declared to be an impostor by the House of Commons. Fuller had been imprisoned for three years, after which he had lived a precarious existence, and had employed his time in writing various pamphlets against the legitimacy of the Pretender.\* After a searching inquiry, in which the informer was unable to produce any material evidence, or even the witnesses who were to support his charges, the House voted that his book should be censured, and he himself was handed over to the Warden of the Fleet. He was subsequently prosecuted, fined 1,000 marks, whipped and put in the pillory.†

There are not many cases in this Volume relating to the question of Privilege. The dispute alluded to in No. 1462 proved to be the first step in a very long law suit. L. Wharton complained that his servants had been attacked by persons who claimed the ownership of certain lead mines belonging to him in Arkengarthdale, in Yorkshire, and claimed a breach of

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\* Fuller was apparently always ready to furnish details as to any conspiracy. He petitioned the House of Lords in almost identical language in 1696, proposing to produce evidence against Sir John Fenwick, but no notice seems to have been taken of him at that time. See House of Lords MSS., Vol. II. (New Series). No. 1080.

† See Dictionary of National Biography, Vol. XX., pp. 323-25.

Privilege. The law suit which ensued, ended only with L. Wharton's death in 1715.

The case (No. **1464**), in which E. Peterborough, who claimed the Northamptonshire estate of Mary, Duchess of Norfolk,\* daughter of the late Earl, tried to prove a breach of Privilege because a servant of the Duchess had cut down underwood and killed some deer in Drayton Park, gave rise to two new Standing Orders.† Under the first of these, a Peer was compelled to pay the fees of the accused, if he failed to prove the breach of Privilege complained of; under the second, an oath had to be made at the Bar before any person, accused of committing a breach of Privilege, could be taken into custody.

In a Petition (No. **1527**), which was read in the House on the 2nd of March 1699-1700, the Dowager Lady Newport‡ claimed her Privilege as a Countess and Peeress of the Realm. She had been arrested for the debts of her son, who had been killed in the King's service. The two individuals who were responsible for the arrest were attached by Order of the House.

On the 11th of March 1699-1700 the Petition of a stonemason named Benjamin Jackson (No. **1531**) was read. The Petitioner prayed that D. Devonshire might not be allowed to resume his Privilege in order to stop a suit which had been brought against him for payment of work done in building Chatsworth. There had been a previous suit, and the Duke had, in writing, promised to waive his Privilege in case of any future difference. He now, however, desired the House to be excused from waiving his Privilege, and the question was referred to the Committee for Privileges. It is probable that a settlement was arrived at between the parties, for no further proceedings seem to have taken place.

No. **1589** refers to a complaint made by L. Osborne (M. Carmarthen) that the "*London Post*" had printed a false

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\* E. Peterborough never got possession of these estates. They were left by the Duchess of Norfolk to her second husband, Sir J. Germaine. E. Peterborough withdrew his claims on condition that Sir John left them to his second wife.

† Standing Orders of the House of Lords, Nos. LXXXII. and LXXXIII.

‡ Lady Newport was the widow of Henry Blount, E. Newport, who died in 1679. She had previously married Edmund Mortimer, of Derbyshire, and was a daughter of John Briscoe, of Grafton, co. Kent. Complete Peerage, edited by G. E. C. Vol. V., p. 30.



statement concerning the movements of the "*Peregrine Yacht*," which had been built under his direction. The printer of the paper and the man who supplied the news were ordered to attend, but no further proceedings were taken.

In the case of *Purchase v. Wilkinson* (No. 1640), the petitioner claimed the sum of 190*l.* from the defendant who had married the widow of his trustee. The defendant, who was Gentleman of the Horse to V. Hereford, claimed the Viscount's protection which the latter refused to withdraw. The whole question of Privilege turned on the point as to whether Wilkinson was in the position of a trustee, for in 1685 the House had decided that Privilege of Parliament ought not to be allowed to a Peer when in the position of a trustee.\* After taking the opinion of two Judges who stated that Wilkinson was an executor and not a trustee, the House gave its decision in favour of Wilkinson.

On the 12th of June 1701, after many attempts on the part of both Houses, an Act received the Royal Assent "for preventing any inconveniences that may happen by Privilege of Parliament" (No. 1650). Parliamentary Privilege gave not only to the Members of both Houses, but also to their servants, a right not to be sued in any court except for treason, felony or breach of the peace, during the course of the Session, and also for a period of at least 20 days both before and after the Session. This period of 20 days seems to have been gradually extended to 40 days.† Owing to the fact that there were frequent prorogations and long Sessions, the whole year became practically a time of Privilege, and there were in consequence continuous protests from traders and others, who complained bitterly of the hardships which the system entailed upon them. This Act took away all Parliamentary Privilege against legal prosecution in any court, except during the actual Session or during an adjournment of less than 14 days.‡

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\* Standing Orders of the House of Lords, No. LXVI.

† This period of 40 days was claimed in 1664. The Committee which considered the claim, left it to the House whether it should be 40 or 20 days, but no decision seems to have been arrived at. L.J., XI. 616. In 1670 a Bill was brought in to fix the period at 20 days, but it was not passed.

‡ The provisions of this Act were not so strong as those of a Bill which the House of Lords had tried to pass in 1696, which would have enabled a legal prosecution to take place at any time and would have permitted a trial at law during the Session provided that it were held within three miles of the place where Parliament was sitting. House of Lords MSS., Vol. II. (New Series). No. 1089.

This Volume does not contain many local Bills or Acts of much interest.

The Brookfield and Newport Markets Bill (No. 1570), which occupied the attention of a Select Committee of the House of Lords for some days, was an attempt by Sir Nathaniel Curzon to obtain Parliamentary confirmation for grants made by James II., by Letters Patent under the Great Seal, first to John Harvey and John Coell and their heirs to hold two markets weekly, and also to hold an annual fair "for the buying and selling of all manner of goods and merchandises" in a place called Great Brookfield, in the parish of St. Martin's-in-the-Fields; and, secondly, to John Bland and his heirs, to keep a market "for the buying and selling all and all manner of cattle, goods, merchandises, and things whatsoever (except live cattle)" on three days in the week, at a place called Newport Garden, in the same parish. The Bill was read 1<sup>a</sup> on the 20th of February 1700-1. It was referred to a Select Committee on the 3rd of March, with an instruction to the Committee "to leave out everything relating to the Fair of St. James's." The Corporation of London strongly opposed the erection of a new cattle market. Their Counsel explained that, by a Charter granted to the City in the reign of Edward III., and confirmed by other Charters and Acts of Parliament, no market was to be erected within seven miles of the City. They insisted that the new Brookfield Market would ruin the trade of Smithfield, and called witnesses to prove that there was ample accommodation at the latter place for all the cattle required in London. They also pointed out that St. Bartholomew's Hospital, which derived part of its revenue from house rents round Smithfield, would suffer, if anything were done to depreciate the property in the neighbourhood. Counsel on behalf of E. Warwick, who owned property in Smithfield, stated that, if the market were removed, the Earl's rents would be reduced by about 400*l.* a year. The supporters of the Bill contended that Smithfield was not nearly large enough for the needs of London, and that, in the interests of the people of Westminster, it was necessary to have another cattle market.

The Bill was reported by the Select Committee, and the Third Reading was carried by 14 votes and 1 proxy to 12 votes

and 1 proxy. But on the Question, Whether this Bill shall pass?—it was rejected without a division.

The Lindsey Level Bill (No. **1597**) was an attempt to obtain the sanction of Parliament made by the descendants of certain adventurers, who in the reign of Charles I. had received a patent authorising them to drain 92,000 acres in Lincolnshire, on the understanding that they were to receive 24,000 acres for themselves. This marsh land, called the Lindsey Level, lay on the north side of the river Glen, and extended up to Lincoln. The original adventurers or undertakers, of whom the Earl of Lindsey was the chief, before the Civil War had drained more than half this land, and, in pursuance of their agreement, had received 14,000 acres. During the war, however, the inhabitants of the neighbouring towns, who objected to the scheme, took possession of these lands and broke down the embankments and sluices. The representatives of the undertakers now wished to have statutory powers to recover their land, and also to finish the draining within a period of five years, in order to receive the remaining 10,000 acres. Two Bills for this purpose had passed the House of Lords in 1660 and 1661,\* but had been dropped by the Commons. On this occasion also the opponents of the scheme were strong enough to prevent the Bill from passing into law. It was not until the middle of the 18th century, when various local draining Acts were passed, not without opposition, that the country began to be reclaimed.†

During the Session of 1700-1 an Act was passed for supplying the town of Deal with water (No. **1644**). A fresh supply seems to have been urgently needed owing to the growing importance of Deal, lying as it did in close proximity to the great shipping roadstead, the Downs. There were two competing schemes, those of Mr. Rider and Mr. Warner. Rider claimed his right under a Patent from James II., but until Warner started his scheme, he had done nothing under the powers he had been granted. Warner was supported by the Archbishop of Canterbury, who was lord of the manor, and also by the inhabitants of the town. Bills promoted by Warner

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\* L.J., XI. 201, 292.

† See Dugdale's *History of Embanking and Draining*. London, 1772.



failed to pass the House of Lords in 1699\* and the House of Commons in 1700. A Bill which was promoted by Rider in 1700, was also rejected by the Commons. The Archbishop, who was heard by the Committee against Rider's Bill of this Session, appears to have expressed his disapproval of the scheme in strong terms. "I desire the Patent may be damned, if that's a good word." He explained that the Patent had been granted when the Bishops were in the Tower, but that Archbishop Sancroft had opposed it as much as possible. Despite the opposition of the Archbishop, the Second Reading was carried by a narrow majority, and, after certain changes had been made in the Preamble, of which no record seems to have been kept, the Bill was passed.

In the St. Martin's-in-the-Fields Improvement Bill (No. 1664), mention is made of the first public library erected in London. It was built by Wren about the year 1685 at the instance of Archbishop Tenison, who at that time was Vicar of St. Martin's. Owing to the fact that the ground was a churchyard, the library, which was built of brick, was raised on columns in order that the ground might still be available for burials. This churchyard lay on the west side of St. Martin's Lane, adjoining Castle Street† and behind the Royal Mews on the site upon which part of the National Gallery now stands. There appears to have been no opposition to the Bill in either House. It was strongly supported by Archbishop Tenison, who in a letter addressed to the Bishop of London (No. 1670) stated that the King had given his consent to the introduction of the Bill. The Bill was accordingly read 3<sup>a</sup> on the 5th of June, but on the 12th the Royal Assent was withheld.‡

In 1702, an Act was passed for the improvement of Southwark or Suffolk Place (No. 1728). The buildings in Suffolk Place had been erected early in Henry VIII.'s reign by Charles Brandon, Duke of Suffolk, as his residence. Queen Mary gave the property to Heath, Archbishop of York,

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\* House of Lords MSS., Vol. III. (New Series). No. 1415.

† The contents of this library, 4,000 books, were sold in 1861 for 2,000*l*. See Evelyn's Diary, edited by Austin Dobson, Vol. III., p. 123, note. London, 1906.

‡ A Bill, almost identical with this one, received the Royal Assent in 1702-3. It has been impossible to discover any reason for the King's consent being refused on this occasion.

in return for York House, Westminster. The Archbishop sold Suffolk Place and most of the original buildings were pulled down. The property, which was then bought by Broomfield, Lord Mayor of London, whose son married the daughter of Thomas Lant, seems to have passed into the possession of the Lant family. This Bill was promoted by Thomas Lant to enable the owner to make long leases in order that the buildings on the property might be improved.\*

A Bill for finishing the chapel in Hatton Garden (No. **1754**) was read 1<sup>a</sup> on the 6th of March 1701-2. The parish church had become too small and Mr. Cavendish Weedon offered to complete the interior at a cost of 1,000*l.*, on condition that he had the right of patronage to the chapel. There were no further proceedings on the Bill.

Over seventy Estate Bills were introduced during the period covered by this Volume.

An attempt, made by Sir Charles Bickerstaff in February 1699-1700 to obtain the leave of the House to enable him to sell his estate by lottery, was rejected (No. **15 01**). An Act of 1699 for the suppression of lotteries had put a stop to proceedings of this kind after the 29th of December 1699.† Bickerstaff's property probably lay in Kent, for on the 18th of December 1699 a Petition from several promoters of lotteries in various counties, praying for leave to complete their lotteries, was presented to the House of Commons. Bickerstaff is mentioned in this Petition as the promoter of the Kentish Lottery.‡

Bowyer's Estate Bill (No. **1626**) was introduced to enable Sir John Bowyer, of Knipersley, who was under age, to vest his estate in Staffordshire in trustees, in order to make marriage settlements.§ According to this Bill, which was brought from the Commons on the 15th of April 1701, Sir John was about to marry a lady with considerable wealth. The Bill was read 2<sup>a</sup> on the 16th of April, and would, no doubt, have passed the Lords, had not Sir John, in the same month, died of small pox. His estate went to his uncle on whose death the baronetcy

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\* Timbs' *Curiosities of London*, p. 741.

† 10 Will. III., c. 23. Fol. Ed.

‡ C.J., XIII. 71.

§ The estate was said to be worth 2,500*l.* per annum. Luttrell's *Diary*, Vol. V., p. 44.

died out and the Knipersley estates ultimately passed into the possession of the Gresley family.

Ettrick's Estate Act (No. **1737**), which received the Royal Assent on the 6th of May 1702, enabled Anthony Ettrick to sell certain of his late wife's estates. In 1698 he had attempted to sell them, but, owing to the opposition of the relations of Mrs. Ettrick and of John Knott, who claimed to have been married to her previously, the Bill had been negatived.\* In the four years which had elapsed, the opposition seems to have been withdrawn, as Mrs. Ettrick's relations were now in favour of the Bill. The House of Lords was careful only to allow a small part of the estate to be sold, and also to ensure that the whole of the money thus procured was laid out in other lands. Mr. Ettrick was allowed 500*l.* in order to settle an annuity of 50*l.* on his daughter during his lifetime.

There are several Divorce or Separation Acts in this Volume. In 1700 the Duke of Norfolk made a third and successful attempt to divorce his wife (No. **1511**). Bills for this purpose had failed to pass in 1692 and 1693.† The Duke, on this occasion, had the support of E. Peterborough, the Duchess's cousin and head of her family, who had violently turned against her after her exposure of his intrigue in Sir John Fenwick's case. The proceedings on the Bill are fully described in Howell's *State Trials*; the entries in the MS. Min. are, therefore only given where they supplement that account or the reports in the Journal. The Duke died of apoplexy in the following year, and the Duchess then married the co-respondent in this case, Sir John Germaine.‡

In the following year the Countess of Anglesey, who subsequently brought in a Bill for separation from her husband,

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\* House of Lords MSS., Vol. III. (New Series). No. **1261**.

† See 14th Report of the Historical Manuscripts Commission, Appendix, Part VI., No. **524**, No. **642**. Burnet accounts for the failure of these Bills, to the fact that the Duchess was a Papist and a busy Jacobite, and that in consequence she received strong political support. But, as L. Dartmouth remarks in a note to this statement, Burnet found Jacobite influence predominant in all transactions, and he, therefore, suggests that the family interest of the Duchess and the fact that the Duke's character was none of the best, were the probable reasons for the failure of the previous Bills. Burnet's *History of his own Time*, Vol. IV., p. 222. It must also be remembered that Divorce Acts were exceedingly rare. The only two Divorce Acts mentioned in the Journals before 1692 were those of M. Northampton in 1552 and L. Roos in 1670.

‡ Germaine, who came over with William, is stated to have been the son of a private in William's guards. Evelyn describes him as a Dutch gamester who had got much by gaming.



began her suit by petitioning the House that the Earl should not be allowed his Privilege in order that she might institute a cause of separation against him for cruelty in the Ecclesiastical Courts (No. 1564). On the previous day E. Anglesey had complained to the House that six persons in disguise had "rushed in at his back doors" and carried off his wife. He had also stated that Chief Justice Holt had exacted 8,000*l.* as security from him, as the peace had been sworn against him. On the following day the Chief Justice and the Countess of Dorchester, Lady Anglesey's mother, were examined by the House and various affidavits were read. The Petition was then dismissed and the House ordered that there should be no entries made relative to the matter. Ten days later the Countess presented her Petition for a Bill for a separation from her husband, and, after a vain attempt had been made by the House to reconcile the parties, leave was given to bring in the measure. The proceedings on the Bill, as given in the MS. Min. and in the Com. Book, will be found in No. 1591. Counsel were heard on both sides and the case occupied the House for a considerable time. The evidence seems to admit of no doubt as to the cruelty of E. Anglesey. The Bill was read 3<sup>a</sup> on the 29th of April 1701, after a proviso had been inserted to prevent the Earl from insisting on any Privilege against its provisions.

Numerous Naturalization Bills were introduced during the years 1700—1702, the great majority of which passed into law. Many of the persons naturalized in these Acts were Protestant soldiers whose regiments had been disbanded on the reduction of the army, and who could not find any employment in England without being naturalized; many others were, as usual, refugees, who had suffered on account of their religion. The Whigs were generally supposed to be in favour of Naturalization Bills as the foreign Protestants were as a rule their supporters,\* and even sound Tories like Dr. Davenant seem to have welcomed foreign emigrants, on the ground that all countries, which possess colonies, must encourage the immigration of foreigners to make good the drain on their population caused by emigration to their colonies.†

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\* Somerville's History of Political Transactions, p. 564.

† Discourse on the Plantation Trade, Political and Commercial Works, by Charles Davenant, Vol. II., p. 7. London, 1771.

Amongst those who were naturalized at this time was James Bogdani (No. 1510). This well known painter, several of whose pictures are at Hampton Court, had apparently been in England for over 30 years at the date of his naturalization. In the Act he is described as the son of Lewis Bogdaine, and Susanna, his wife, of Epperia, in Upper Hungary. He was usually known as "the Hungarian."

Amongst the numerous Appeals which appear in this Volume, three cases connected with the clothing of the soldiers are of some interest (Nos. 1578, 1614, and 1635). At this period a certain portion of every man's pay, known as the net "off reckonings," were made over to the colonel of each regiment for the clothing of the men. The "off reckonings" which the colonel had at his disposal, seem to have amounted to about 2*l.* 8*s.* per man for the year, out of which had to be provided not only the actual garments, but also the sword belt, bayonet and ammunition box. The system of "off reckoning," dated back to the time of Queen Elizabeth, when the sum of 4*l.* 2*s.* 6*d.* was deducted from each man's pay to provide two suits a year. It is plain that the sum allowed for clothing was insufficient and that a colonel, who tried to do his duty, must almost inevitably have been a loser. The result of this state of things was that regimental colonels as a rule used to employ contractors who paid commissions to them to obtain the business and then made their profit by supplying the soldiers with very inferior clothing.\* The working of the system was so unsatisfactory that in Ireland William had tried the experiment of clothing the regiments himself, but apparently the attempt had not been very successful.†

On the 23rd of May 1701 a Petition was presented to the House of Commons on the subject by several colonels.‡ The petitioners complained that no allowance was made at the Pay Office for a man's clothing after he ceased to be on the muster rolls although a Minute had been made in the Council that the money for clothing should be paid to the end of the year, even if a regiment were disbanded within that period. The Committee

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\* History of the British Army, by the Hon. J. Fortescue. Vol. I., pp. 318-320.

† Calendar of State Papers. Domestic Series. 27 Feb. 1691.

‡ C. J., XIII. 561.

appointed to inquire into the matter, reported that the colonels had given the clothiers assignments of the clothing pay upon the Paymaster General and had then concluded that the acceptance of those assignments had relieved them from any further responsibility in the matter, but that the clothiers had brought actions against the colonels and had obtained verdicts at law against them.\* It was no doubt the action of the Paymaster's Department which led to the present proceedings at law.

In the case of *Tily v. Wharton* (No. **1633**), the House of Lords granted the appellants a new trial. Sir Joseph Tily, who had married the widow of Sir John Roberts, Bart., appealed against two decisions in equity. The first decision was that a bond for 1,500*l.*, made out in favour of Eunice Wharton by Sir John Roberts, her great uncle, was not forged, as alleged by Tily. The second decision was that, as the bond was genuine, satisfaction ought to be given to the Whartons out of Sir John Roberts's estate. Tily had pressed for another trial which had been refused by the Courts below, on the ground that, if a new trial were granted and there were a verdict against the bond, the Whartons might with as much reason ask for another trial, with the result that matters would be endless. The House of Lords, however, granted a new trial.† The bond was declared to be forged, and the House then reversed the previous decisions given against Tily.

The case of Dr. Thomas Watson, Bishop of St. David's, who had been convicted of simony, again occupied the attention of the House in March 1699–1700 (No. **1523**). In 1698, in a charge brought against the Bishop by Robert Lucy, the Registrar of his diocese, the House had decided that the Bishop was not entitled to claim his Privilege.‡ Since that date the Archbishop of Canterbury, and also the Court of Delegates, had decided against the Bishop, and sentence of deprivation with 663*l.* costs had been pronounced against him. The Bishop had then sued for a Writ of Prohibition in the

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\* C. J., XIII. 594.

† "This week was a great trial at the King's Bench Bar, which held all day between one Mr. Wharton, plaintiff, and Sir Joseph Tily, defendant, whether a bond for 1,500*l.* was forged, and the jury (Sir Thomas Grantham, foreman), gave a verdict for the defendant." Luttrell's Diary, Vol. V., p. 104.

‡ House of Lords MSS., Vol. III. (New Series). No. **1284**.



Court of King's Bench, and, upon the refusal of that Court to interfere, he now attempted to bring a Writ of Error into the House of Lords against that refusal. Counsel were heard at length on both sides, and the House also consulted the Lord Chief Justice, who was of opinion that no Writ of Error lay in this case. The House eventually decided against the Bishop, and leave to bring in the Writ of Error was refused.\*

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\* Burnet's History of his own Time, Vol. IV., pp. 405-407, 448-450.

CUTHBERT HEADLAM.

J. B. HOTHAM.

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## INTRODUCTION TO THE JOURNAL OF THE PROTECTORATE HOUSE OF LORDS.

The MS. Journal of the Protectorate House of Lords, which is now published for the first time, belongs to the interesting Cromwellian Collection formed by the late Sir Richard Tangye. It was thought desirable that the Journal should be published amongst the documents of the House of Lords, and Sir Richard gave his permission for it to be printed as an Appendix to the present Volume of the Calendar. Since his death his executors have confirmed this permission.

The MS. Journal which extends over the whole period of the existence of the "Other House" in the time of the two Protectors, is written in several hands. It appears to be the draft of the Minutes of the proceedings in the House, such as was at that period, and still is, made by the Clerk at the Table, and from which the Journal of the House is afterwards compiled. It does not, therefore, contain anything more than a brief summary of the work done by the Protector's Second Chamber. During the short Session of Oliver Cromwell's Parliament this did not amount to very much, but there is evidence in the MS. Journal to show that in the time of his successor the "Other House" was by no means idle. As this is the only account which is known to exist of the proceedings of this short lived Assembly,\* it has been decided to print the MS. at length, and as far as possible in the exact form in which it appears in the original.

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On the 25th of May 1657 Oliver Cromwell gave his consent to the Humble Petition and Advice, and in the following month to the Additional Petition and Advice.† By these two legislative measures the Protector at last secured, not only the Parliamentary sanction for his Government which he had so long desired, but also a Second Chamber which he judged to be absolutely necessary to protect the people of

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\* Old Parliamentary History, Vol. XXI., pp. 169, 263.

† Constitutional Documents of the Puritan Revolution, selected and edited by Samuel Rawson Gardiner. Oxford, 1906, pp. 447-464.

England against the tyranny of an omnipotent House of Commons, "the horriddest arbitrariness that ever was exercised in the world."

Cromwell and his friends confidently hoped that the new House of Lords would act as a bulwark between the chief of the Executive and the elected branch of the Legislature, and so prevent any encroachments by the latter upon the liberties guaranteed to Englishmen by the new Constitution.\*

The duty of nominating the members of the Second Chamber was, after considerable discussion in the Commons, conferred on the Protector.† It was a task of much difficulty, as it was essential that the new Lords should personally be well disposed towards the Protector, and also that they should represent as far as possible the various interests which supported the Commonwealth.‡ Cromwell only completed his

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\* "The other House is to bee called by writt in the nature of the Lord's House, but is not to consist of the old Lords, but such as have never been against the Parliament, but are to bee men feareing God and of good conversation, and such as his Highnes shall bee fully satisfyed in, both as to their interest, affection, and integrity to the good cause. And wee judge here that this House thus constituted will bee a great security and bullwarke to the honest interest, and to the good people that have been engaged therein; and will not bee soe uncertaine as the House of Commons which depends upon the election of the people. Those that sitt on the other House are to bee for life, and as any dye, his place is to bee filled up with the consent of that House it selfe, and not otherwise, so that if that House bee but made good at first it is likely to continue soe for ever, as farre as man can provide." See Thurloe to Monk, March 5, 1656-7; The Clarke Papers, edited for the Royal Historical Society, by C. H. Firth, M.A., Vol. III., p. 93.

† This point had been settled on the 24th of June when it was resolved by 90 votes to 41 to leave the choice of the new lords entirely to the Protector. See Diary of Thomas Burton, Esq., Vol. II., pp. 298-301. C.J., VII. 573.

The principal argument in favour of this decision was that it would be unwise to have the qualifications of the new Lords discussed in the House of Commons. "The real reason for this consideration of the feelings of possible members of the Other House seems to have been the hope that the old Lords who had adhered to the Parliament's cause during the Civil War would consent to take their seats in the new House, and the fear lest the necessity of being approved by the Commons should deter them from accepting." In this debate Major-General Desborough also suggested that it would be wiser to leave the matter entirely to the Protector because too many members of the House of Commons would like to be lords themselves. See "Cromwell and the House of Lords," by C. A. Firth, Macmillan's Magazine, December, 1894, and January, 1895, which contains much information with regard to the constitution and proceedings of the Other House.

‡ See Thurloe to Henry Cromwell, 10 November 1657; Fleetwood to Henry Cromwell, 24 November 1657; Thurloe to Henry Cromwell, 1 December 1657; Thurloe's State Papers, Vol. VI., pp. 609, 630, 648. London, 1742.



list of nominees on the 10th of December, the day on which it was necessary to send out the writs of summons.\*

At the beginning of the MS. Journal there is a copy of the writ of summons addressed to Richard Cromwell,† and the names of 61 other persons are given to whom it is stated that the like writs were directed.‡

The new House was eminently representative of the most important interests upon which the Government of the Protector depended. In addition to his sons and other relatives, it

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\* On 26 June the Commons made an Order that the Commissioners for the custody of the Great Seal of England, with the advice of the Judges should "prepare and frame a writ, for summoning the members of the Other House of Parliament." C.J., VII. 576. According to a newsletter published in the Clarke Papers (Vol. III., p. 127), the answer of the Judges, when consulted upon this matter, was "that until his Highness did accept of the title of King, noe legall writs could be made, nor house of Peeres constituted." This difficulty must have been overcome as the writs were sealed up on 10 December. The form of words adopted in the summons was the same as that which had been used in summoning Peers to Parliament. The opinion expressed by the Judges on this occasion may, however, have given currency to the idea prevalent at the time that the Protector intended to make himself King with the assistance of his new Lords. See Calendar of State Papers, Domestic Series, Commonwealth, Vol. CLXXIX., Nos. 5 and 11.

† This writ is identical with the writ published in the Parliamentary History (Vol. XXI., p. 166), except that it is dated 9 December instead of 10 December.

‡ This list includes Richard Hampden and William Lenthall who are not mentioned by either Whitelock or Thurloe. See Whitelock's Memorials, p. 666. London, 1732. Thurloe's State Papers, Vol. VI., p. 668. It also includes Gilbert Pickering, George Fleetwood and Thomas Cooper, who are mentioned by Whitelock, but not by Thurloe. It does not, however, contain the name of John Clerke, who is said by Thurloe to have been one of the Lords, and whose name also appears in the list of the Other House printed in the Parliamentary History (Vol. XXI., pp. 167, 168). According to the MS. Journal, Clerke did not attend in the House of Lords during the Protectorate either of Oliver or of Richard Cromwell. His name does not occur in the list of Lords summoned to the latter's Parliament, which is referred to in the Cal. of State Papers, Dom. Series, Commonwealth, Vol. CC., No. 66. Other authorities state that Major-General Kelsey, General Lambert, and Sir Thomas Widdrington were summoned to sit in the Other House. See Noble's Memoirs of the Cromwell Family, Vol. II., p. 520, note. Birmingham, 1714. Cf. also a letter from V. Fauconberg to Lockhart, January 25—February 4, 1657-8, in which he states that "Lord Lambert and Sir Art. Heselrigg appeared to-day in the Lower House, though summoned to the other. without ever waiting on his Highness to excuse it." Cal. of State Papers, Dom. Series, Commonwealth, Vol. CLXXIX., No. 37. The names of Lambert, Kelsey and Widdrington do not occur in the MS. Journal. It is possible that Lenthall, George Fleetwood, Cooper, Pickering, Sydenham and Hampden were not amongst those who were originally chosen by the Protector, but all of them, with the exception of Pickering who does not appear to have taken his seat in Oliver Cromwell's time, took the oath on 20 January. A curious story with regard to Lenthall is given by Ludlow which seems to prove that he at any rate was not amongst those first chosen to sit in the Other House. See Ludlow's Memoirs, edited by C. H. Firth, M.A., Vol. II., pp. 31, 32.

contained seven Peers of England, one Irish Peer and one Scottish Peer, who had supported the Parliamentary cause, as well as four Baronets and several country gentlemen of good family and position. The Army was represented by the inclusion of many officers on the active list, and there were also representatives of the legal profession and of the official and commercial classes.\* Only 42 Lords, out of the 62 summoned, appear to have taken their seats. On the 2nd of February 1657-8, when the House was called over, adequate reasons were given for the absence of 9 of these,† but the 11 others did not trouble themselves to send any explanation for not having obeyed their writs of summons.‡ The House, on a division, resolved that the absent Lords should “be required on this day three weeks to give their attendance on the service of this House,” but two days later the Protector dissolved Parliament.

Oliver Cromwell’s House of Lords was only in existence for a fortnight. During this period it held 13 meetings for the despatch of business, at which the average daily attendance of Lords numbered 35.

At nine o’clock in the morning on the 20th of January 1657-8, Nathaniel Fiennes, John Lisle, Henry Lawrence, General Desborough, Colonel Philip Jones and Bulstrode Whitelock “came into the little room within the Painted Chamber” in the House of Lords.§ These Lords had received

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\* See Cromwell and the House of Lords, by C. H. Firth, Macmillan’s Magazine, January 1895. An account of Cromwell’s Lords is given in Noble’s Memoirs of the Cromwell Family, Vol. II., pp. 465—520, and also in a Tract entitled, “A Second Narrative of the Late Parliament” printed in the Harleian Miscellany, Vol. III., pp. 475—488. It was unfortunate for the Protector that he was obliged to take many of his principal supporters from the Commons to form the Other House and that the Humble Petition and Advice had restored so many of his enemies to their seats in the Lower House.

† *Viz.*, Henry Cromwell, George Monck, Oliver St. John, William Steele, Francis Rous, Gilbert Gerrard, William Lockhart, Alexander Johnston of Warreston, and Matthew Tomlinson. The two last-mentioned Lords attended the House very regularly during the Protectorate of Richard Cromwell.

‡ *Viz.*, E. Warwick, E. Manchester, E. Mulgrave, E. Cassillis, V. Saye and Sele, L. Wharton, Gilbert Pickering, William Pierrepont, Arthur Haslerig, Alexander Popham and John Crew. None of these ever obeyed their writs of summons with the exception of Pickering who sat in Richard Cromwell’s Parliament.

§ Some details with regard to the furnishing of the House of Lords for the meeting of the new Assembly, which was to be done as cheaply as possible, are supplied in an Order made by the Council on 14 Jan. The total cost seems to have amounted to 200*l.* Cal. of State Papers, Dom. Series, Commonwealth, Vol. CLXXIX., No. 16.



a Commission under the Great Seal authorising them, or any three or more of them, to administer to the persons summoned to the new House of Lords the oath set out in the Additional Petition and Advice.\*

This Commission, for which a blank space is left in the MS. Journal, was read out by the Clerk of the Commonwealth in Chancery. The oath was first taken by the Commissioners, and then administered by them to 35 other Lords who were also present. On the same day the Protector came down to the House, and, after the Commons had been summoned, formally opened Parliament. Blank spaces are left in the MS. Journal for the insertion of the speeches delivered by Cromwell and Fiennes on this occasion.†

On the 21st of January, after L. Berry had taken his seat "next to Joh. Lord Hewson on the bench in the second row on the left-hand"‡ and prayers had been said, Fiennes took his place as Speaker and moved for the appointment of one or more ministers to pray in the House every day. Six ministers were appointed for this task. An Order was then made to keep the 27th of February as a day of fasting and humiliation.

Having thus attended to their spiritual needs, the Lords following the practice of the old House of Lords (the procedure of which they seem always to have endeavoured to adopt as far as possible) appointed a Committee for Privileges, and also a Committee for Petitions which was to have the same powers "that formerly Committees for Petitions had." Three Judges were appointed by name to assist each of these Committees.§

A Petition of Nicholas Corsellis, a London merchant, praying that his wife Mary Susan Baldey, of Leyden, in the

\* Constitutional Documents of the Puritan Revolution, p. 463.

† See Oliver Cromwell's Letters and Speeches, with Elucidations, by Thomas Carlyle, Vol. III., pp. 320-327. London, Chapman and Hall, 1866. See also Whitelock's Memorials, pp. 666-672.

‡ It is interesting to observe the strict attention which is invariably given in the MS. Journal to the precedence of the Lords. Their precedence was apparently regulated by the order in which their original writs of summons had been issued; but the old Peers and Lords who held official positions, seem to have taken rank above the others. See the proceedings in the MS. Journal with regard to the call of the House on 2 Feb. 1657-8.

§ Old Parliamentary History, Vol. XXI., p. 169.



Netherlands, might be naturalized, was then read, and leave was given for a Bill to be introduced for the purpose.\*

On the 22nd of January three Judges were ordered to prepare a Bill "for making entailed lands liable to the payment of debts with such just and necessary limitations and provisions as shall be thought fit." This Bill does not appear to have been presented to the House. On the same day a Bill was read 1<sup>a</sup>, "for the better levying the penalties for profanation of the Lord's day." It was read 2<sup>a</sup>, apparently after some debate, and referred to a Committee on the 26th of January. The same Committee was also directed to take into consideration the laws against swearing and drunkenness, and to bring in a Bill to supply any defects in them or for their better execution.†

These two Bills are the only attempts at legislation, made by the Lords during this Session, of which there is any record in the MS. Journal.‡

On the 22nd of January the "Other House" tried to enter into communication with the Commons. A Motion was carried "that this House does desire the House of Commons to join with them in an humble Address to his Highness the Lord Protector that his Highness will be pleased to appoint a day of solemn fasting and humiliation throughout the three nations."§

Two Judges were sent to the Commons with this Message. The Lords then adjourned for half an hour, presumably in the hope of receiving an answer from the House of Commons. But, if this were their intention, they were doomed to disappointment. The Judges, as they explained to the

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\* This Bill was read 1<sup>a</sup> on 25 January. It was read 2<sup>a</sup>, and referred to a Committee three days later. This Committee was appointed to meet on 2 February. There is no further record of the Bill in the MS. Journal.

† A Committee was appointed by Richard Cromwell's House of Lords to consider these subjects. See MS. Journal, 31 January 1658-9.

‡ In a letter, dated 12 February 1657-8, Richard Cromwell, who had been elected Vice-Chancellor of Oxford University in succession to his father, wrote to Lenthall asking him to introduce a Bill in the House of Lords for keeping up the old laws, customs and statutes in cases which were formerly in Ecclesiastical Courts, and without which there would be a failure of justice. Cal. of State Papers, Dom. Series, Commonwealth, Vol. CLXXIX., No. 35. No Bill for this purpose appears to have been presented to the House.

§ Whitelock's Memorials, p. 672. Burton's Diary, Vol. II., pp. 339, 341. The Clarke Papers, Vol. III., p. 134, note.

House the following day, were kept waiting for an hour before they were called into the House of Commons to deliver their Message. They were then told to retire, and, after further delay, were again called in and informed that the Commons would send an answer by Messengers of their own.

On the 25th of January Fiennes informed the House that he had received a letter from the Protector summoning the two Houses to attend upon him at Whitehall. This letter is set out at length in the MS. Journal. In the afternoon of the same day accordingly the Lords and Commons met the Protector, "who made a most pathetic speech, showing a necessity of laying aside formalities, and to mind to the Protestant interests beyond seas, and the settling of the Commonwealth at home."\*†

On the 3rd of February a Motion was carried in the Upper House to present an Address to the Protector asking him to issue a proclamation for removing disaffected persons from London. After some debate, it was moved that a Message should be sent to the Commons to ask them to join with the Lords in this Resolution. A Committee, consisting of John Lisle, Desborough and Onslow, was then appointed to prepare a suitable Message. The Committee forthwith drew up a Message requesting the Protector to issue a proclamation, by advice of both Houses of Parliament, commanding all Papists and other suspected persons "to depart out of the cities of London and Westminster and the late lines of communication and twenty miles of the same, and not to return to the said cities or either of them during the space of three months, nor to any other place within the limits aforesaid, save only to such place or places in the country where such person or persons aforesaid have habitations." This Message was agreed to by the Lords and sent down to the House of Commons by two Judges attended by the Clerk of the Commonwealth.‡

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\* Mr. Hartlib to Dr. Pell, 28 Jan. 1657-8; *The Protectorate of Oliver Cromwell*, edited by Rob. Vaughan, D.D., Vol. II., p. 438. *See also* *Oliver Cromwell's Letters and Speeches*, Vol. III., pp. 329-347. *Burton's Diary*, Vol. II., 351-371.

† On 30 Jan. Whitelock states that the Lords took into consideration the state of foreign affairs and that he gave them a full account of his negotiations in Sweden. There is no reference in the MS. Journal to any debate upon this subject. *Whitelock's Memorials*, p. 672.

‡ *See* Bordeaux, the French Ambassador, to Cardinal Mazarin; *Thurloe's State Papers*, Vol. VI., p. 778. *Burton's Diary*, Vol. II., pp. 438, 441. *The Clarke Papers*, Vol. III., p. 135.



On the following day Cromwell, to the surprise even of his friends, decided to dissolve Parliament.\* His appearance in the House of Lords was evidently quite unexpected, as the Clerk apparently had only had time to enter the name of one Lord, Richard Cromwell, on the list of those present, when the Protector arrived and took his seat on the Chair of State. The Judges were sent for, and Cromwell addressed a few words to the Lords present "taking notice therein of their faithfulness to the public interest and readiness to carry on the Government as it is settled in the Humble Petition and Advice, so as he could charge nothing on them as having been wanting in what might tend to the good of the Commonwealth." The Commons were then summoned and the Protector, after laying upon them the blame for the failure of the new scheme of government, dissolved Parliament.†

The sudden dissolution of Parliament was probably forced upon Cromwell more by the threatening aspect of affairs outside the two Houses than by the tactics of the Republican leaders in the Commons in refusing to recognize the "Other House."‡ The conduct of the opposition was, doubtless, a bitter disappointment to the Protector, but, unless there had been other causes to influence him, he would scarcely have been justified in putting an end so speedily to the existence of Parliament.§

After prolonged consultations with his principal advisers, Cromwell eventually made up his mind to summon another Parliament. But, although he seems to have arrived at this resolution comparatively early in the spring of 1658,|| he was in no hurry to fix a date for the new Parliament to meet. On the 15th of June Fleetwood, in a letter to Henry Cromwell, stated that it would be called together in September. The illness and death of the Protector's daughter,¶

\* See L. Fauconberg to Henry Cromwell, 9th Feb. 1657-8; Thurloe's State Papers, Vol. VI., p. 788. Whitelock states that the Protector's action was against his advice. Whitelock's Memorials, pp. 672, 673.

† Oliver Cromwell's Letters and Speeches, Vol. III., pp. 347-353. See also the version of the speech given in The Clarke Papers, Vol. III., pp. 136-139.

‡ See Mr. Hartlib to Dr. Pell, 11 Feb. 1657-8; The Protectorate of Oliver Cromwell, Vol. II., pp. 441, 442. Whitelock's Memorials, pp. 672, 673.

§ Life of Oliver Cromwell, by Samuel Rawson Gardiner, pp. 309, 310.

|| Mr. Hartlib to Dr. Pell, 18 Feb. 1657-8, 1st April 1658-9, 5th May. 1658-9; The Protectorate of Oliver Cromwell, Vol. II., pp. 444, 455, 460. The Clarke Papers, Vol. III., pp. 145, 151. Thurloe's State Papers. Vol. VII., pp. 99, 100, 144, 153, 176.

¶ Lady Claypole. See Thurloe to Henry Cromwell, 27 July 1658; Thurloe's State Papers, Vol. VII., p. 295.



and his own ill-health further delayed matters,\* with the result that no steps had been taken towards summoning Parliament, when Cromwell himself died on the 3rd of September.

Although Oliver himself might perhaps have been able to continue to govern without parliamentary assistance for some time longer, it was obvious that his son had no other alternative before him but to summon Parliament. His succession to the office of Protector had been accepted peacefully throughout the country, but the uncertainty which prevailed with regard to the future action of the Army and the financial embarrassment of the Government, made it absolutely essential that Richard should have the assistance of Parliament.† On the 30th of November Thurloe wrote to Henry Cromwell in Ireland, to inform him that on the previous day the Protector's Council had advised him to call together a new Parliament, and, in a subsequent letter, dated the 14th of December, he explained that the intention of the Government was to adhere to the constitutional arrangement laid down in the Humble Petition and Advice.‡

Meanwhile the Republican leaders were actively organizing their opposition to the Protector. They intended once more to attack the new House of Lords, recognizing that the existence of that Assembly was the weak spot in the constitution of the Protector's Government.§

Parliament met on the 27th of January 1658-9, on which day, at about eight o'clock in the morning, the majority of the Lords who had appeared in the previous Parliament took the oath.|| Immediately afterwards the House accompanied

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\*See Thurloe to Henry Cromwell, 17 Aug. 1658; Thurloe's State Papers, Vol. VII., p. 320.

† On 27 July 1658 Thurloe in a letter to Henry Cromwell, explained the financial distress of the Government "We are at that passe for money, that we are forced to goe a begginge to particular aldermen of London for 5 or 6,000*l.* to send to Dunkirke, and I feare we shall be denied." Thurloe's State Papers, Vol. VII., p. 295.

‡ Thurloe to Henry Cromwell; Thurloe's State Papers, Vol. VII., pp. 541, 562.

§ Thurloe to Henry Cromwell; Thurloe's State Papers, Vol. VII., pp. 550, 589.

|| The Lords were "summoned by the like writ as they had before." Whitelock's Memorials, p. 676. During the interval between the two Parliaments, E. Warwick, E. Mulgrave, Thomas Pride and Francis Rous had died. These vacancies in the House of Lords were probably not filled up, as there appear to have been only 56 members in the time of Richard Cromwell. Cal. of State Papers, Dom. Series, Commonwealth, Vol. CC., No. 66. Henry Cromwell was not a member of his brother's

the Protector to Westminster Abbey to hear a sermon. When this was over, Richard returned to the House of Lords and sent for the Commons. He then delivered a speech, which created a very good impression.\* A blank space is left in the MS. Journal for the insertion of this speech, and also for that delivered by Fiennes on the same occasion.†

On the two following days the business in the House of Lords was purely formal, but on the 31st of January a Committee was appointed "to peruse the Acts and laws already made against cursing, swearing, breach of the Sabbath and drunkenness, and to see wherein the same are defective and have need to be supplied, and to consider of such provisions as are necessary to be made therein and report it to this House."‡ On the same day a Bill was introduced "for recognizing his Highness, the Lord Protector, and disclaiming the title of Charles Stuart and all other the issue of the late King."§ This Bill was read 2<sup>a</sup>, and referred to a Committee the following day. On the 3rd of February L. Lenthall reported the Bill, as amended by the Committee, to the House. The Committee considered it advisable to leave out

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House of Lords. L. Eure and V. Fauconberg were again the only members of the old Peerage who obeyed their writs of summons. St. John, Gerrard, Crew, Popham, Pierrepont, Monck, Steel, Hobart and Lockhart never took the oath. Haslerig remained in the House of Commons. Forty-two Lords took their seats. There were 64 sittings of the House, at which the average attendance of members was about 27.

\* See old Parly. Hist., Vol. XXI., pp. 265-269. Burton's Diary, Vol. III., p. 2. The Clarke Papers, Vol. III., Preface, pp. xxiv, xxv, and p. 176. Lord Somers' Tracts, Vol. VI., pp. 443-446.

† On this occasion a question seems to have arisen as to whether it had been customary to report to the House the Speech made by the Sovereign on the opening of Parliament. On 28th January it was moved to report his Highness' Speech, and an Order was made "That the Journals be looked into to see whether the Chief Magistrate's speech spoken in this House did use to be reported to the House or not."

‡ An Act "for the better observation of the Lord's Day," had been passed as recently as 26 June 1657, C.J., VII. 577. An Act had been passed in 1650, imposing "punishments for profane swearing and cursing," and a further Act had been passed in 1654, empowering the Commissioners for the Customs "to punish drunkenness and profane cursing and swearing in persons employed under them." See Scobell's Acts and Ordinances, p. 123, p. 320. London, 1653.

§ On 1 February, in the House of Commons, Thurloe introduced a Bill to recognize the Protector. C. J., VII. 596. It was debated at considerable length. See Burton's Diary, Vol. III., pp. 26-32, 86-152, 155-201, 204-232, 256-287. Thurloe to Henry Cromwell, 8 February; Thurloe's State Papers, Vol. VII., p. 609. It was not until 14 February that Richard "was voted Chief Magistrate, with such boundary and qualifications, as shall be sett."



the clauses which related to the exclusion of Charles, and, they must also have made some other alterations in the Bill, as a Protest by L. Johnston of Warreston is recorded in the MS. Journal “against the amendment restraining the exercise of the office of Chief Magistrate according to the Humble Petition and Advice, so far as concerns matters of religion especially in Scotland.” The House agreed to the amendments made by the Committee, but ordered that a separate Bill should be brought in for disannulling the title of Charles Stuart. The Bill for recognizing the Protector was passed on the 5th of February. The Bill “for disclaiming and disannulling the pretended title of Charles Stuart, etc.,” was read 1<sup>a</sup> on the 11th of February. Four days later it was read 2<sup>a</sup> and referred to a Committee. On the 17th of March L. Desborough reported the Bill to the House with some amendments made by the Committee. These amendments, the nature of which is not recorded in the MS. Journal, were accepted by the House and an Order was made for the Bill to be ingrossed. The Bill was passed on the 22nd of March.

On the 1st of February an Order was made for a Bill to be brought in “for confirmation of the public sales, which have been made by the Commonwealth, of the lands of the late King, etc., Bishops, Deans and Chapters and Delinquents.” Mr. Earle, the Protector’s Serjeant-at-Law, was directed to prepare this measure, and two of the Judges were desired to peruse the same and report it to the House. This Bill was read 2<sup>a</sup> and referred to a Committee on the 29th of March, but it seems doubtful whether the Committee ever met. No further reference is made to it in the MS. Journal until the 14th of April, when an Order was made for its revival, but there is no record that the Bill was reported to the House.

The 4th of February was kept by the Lords as a day of fasting and humiliation. Four days later a Committee was appointed “to consider of the law for restraining the use of the book of common prayer and to offer to this House what they think fit for putting the same more effectually in execution.”\*

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\*“Those they call Lords meet and adjourn, and consult about making a catechism, and make speeches against playes and the common prayer book. But all men’s eyes are upon the Commons; for it



The MS. Journal contains no entry to show that this Committee made a Report to the House, but on the 14th of April a Bill to abolish the book of common prayer was read 1<sup>a</sup>. On the 15th of February the House was acquainted "that notwithstanding the laws against stage plays and interludes yet there are stage plays, interludes and things of the like nature called opera acted to the scandal of religion and of the covenant." A Committee was immediately appointed to report to the House in what way the laws against stage plays, &c., might be made more effectual, but it seems to have made no Report on the subject.\* On the 21st of February Fiennes informed the House that he had received a command from the Protector to communicate to the Lords a Report with regard to foreign affairs, upon which his Highness desired their advice.† On the following day and also on the 25th of February this Report was debated in the House, with the result that the Lords made two Resolutions, recommending the preparation of a strong fleet for the preservation of the trade of the country and "for mediating a peace between the Kings of Sweden and Denmark." These Resolutions are set out in the MS. Journal.

On the 3rd of March the House appointed a Committee to consider what provision should be made for indemnifying any persons who since the last Act of Indemnity had done anything by order of the Protector or his Council for the safety and peace of the Nations, and to prepare a Bill for their protection if necessary.§ On the 14th of March an Order was made "That the several Committees to whom there have been any matters

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is clearly foreseen, the petition and advice will not support the other House for want of expression rather than intention." John Barwick to Sir E. Hyde, 16 Feb. 1658; Thurloe's State Papers, Vol. VII., pp. 615, 616. On 8 Feb., Fleetwood wrote to Henry Cromwell, "We are very silent in our House, and little probability, that we shall be owned." *Ib.* p. 602.

\* The performance of stage plays and interludes had been suppressed, and actors ordered to be committed to the common gaol and punished as rogues, by two Acts of Parliament passed in 1647. Scobell's Acts and Ordinances, pp. 106, 107, 135.

† This Report is not set out in the MS. Journal. Doubtless it contained the same information as the account of foreign affairs given by Thurloe to the Commons on the same day. C.J., VII. 606.

‡ On 18 March Fiennes was directed to offer the resolution with regard to the separation of the fleet to the Protector as the advice of the House. A week previously Edward L. Montagu, "a Member of this House and one of the Generals at Sea," had been given leave of absence in order to take command of the Fleet which was about to set sail.

§ The last Act of Indemnity "to such as have acted for the Publique" appears to have been passed in 1656. Scobell's Acts and Ordinances, p. 449.

referred or committed by this House, do expedite their several Reports and make Reports to the House as speedily as may be." Two days later L. Desborough presented a Bill of Indemnity, which had been drawn up by the Committee. The Bill was read 2<sup>a</sup> on the 23rd of March and was again referred to a Committee.

On the 14th of March a Bill "concerning the Other House of Parliament, limiting the number, rights and privileges of the persons sitting in that House" was presented.\* The MS. Journal states that this Bill was opened and "the subject matter of it approved" before it was read 1<sup>a</sup>. It was read 2<sup>a</sup> on the 15th of March and referred to a Committee, but there do not appear to have been any further proceedings.

On the 21st of March there is an entry in the MS. Journal, from which it would appear that the Lords were anxious to claim a voice in matters of finance, for on that day a Committee was appointed "to search among the Records of this House what precedents there are that anything hath arisen from this House in order to the lessening any charge upon the people either in point of time or quantity." This Committee does not appear to have met.

On the 30th of March notice was taken of the absence of several Lords, and it was moved that a day should be appointed for calling over the House. This Motion was negatived, but an

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\* "London, March 17.—A Bill brought into the House of Lords for declaring of those that are summoned, and such as hereafter shall be summoned by his Highnesse and approved by the Houses, nott exceeding the number of . . . . to bee the Other House of Parliament, formerly called the House of Lords, and to have all the priviledges belonging thereunto, and not limited by the Petition and Advice, butt withall, that none of their heires nor the heires of any others, shall claime, right to sitt in that House, unlesse they bee first summoned and approved as aforesaid." Newsletter, signed E.S.; The Clarke Papers, Vol. III., p. 185. Mr. Firth points out in his article on "Cromwell and the House of Lords," to which reference has already been made, that there was nothing in the institution of a Second Chamber, which necessarily conflicted with the political principles of the Puritans, so long as its members made no claim to hereditary authority. Cromwell himself carefully distinguished between hereditary honours and hereditary authority. It is evident also that he did not intend that the bestowal of an hereditary dignity should necessarily mean that the recipient should receive a writ of summons to the House of Lords. He is known to have created two hereditary pcerages. Charles Howard was made a Viscount, and Edmund Dunch was created Baron Burnell. Whitelock also states that the Patent to confer the title of Viscount upon him was signed by Cromwell in August 1658, but that he declined the honour. Whitelock's Memorials, p. 674. Viscount Howard sat in the "Other House," but it is interesting to note that Burnell was not summoned to their House of Lords by either of the Protectors.



Order was made "That all the members of this House as also the Judges' assistants and the other assistants of this House be required to give their daily attendance upon the service of this House."

On the 8th of April Fiennes informed the Lords that he had received a letter from the Protector to be communicated to the House. This was read by the Clerk, and, as usual, a space is left blank in the MS. Journal for the insertion of the actual words of the letter, and also for the Representation of the General Council of the Army, which was enclosed with it.\* Three days later the House took into consideration the matters alluded to by the Protector. His letter and the Representation were referred to a Committee, which was appointed "to consider of some necessary provision to be made for securing the nation against the common enemy and to offer the same to the House to-morrow morning for their further consideration."

On the following morning L. Whalley reported that the Committee had met, but "could not be ready with such Report by the time limited them." An Order was accordingly made that the Report should be ready the next day. It was not, however, until the 18th of April that L. Keeper Lisle, who was apparently Chairman of the Committee, reported "the draft of an Act enjoining Papists and other persons who have borne arms under the late King, &c., to depart out of the cities of London and Westminster, &c., and prohibiting horse races and cock matches." This Bill was immediately read 1<sup>a</sup>. On the 19th of April it was read 2<sup>a</sup>, and committed. At the beginning of the afternoon sitting of the House on the 21st of April, L. Keeper Lisle reported the Bill as amended by the Committee. An objection was made that it would be out of order to consider the Bill, as the House had already made an Order that the debate, adjourned on the 20th of April, upon certain Resolutions brought

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\* This letter and the Representation were presented on the same day by the Speaker to the House of Commons. C.J., VII. 632. On 14 April Whitelock writes that "On the sixth of this month, a Representation was signed by all the officers of the Army, and afterwards presented to His Highness, setting forth *their want of pay, the insolences of the Enemies, and their designs, together with some in power, to ruin the Army and the good old Cause, and to bring in the Enemies thereof; to prevent which and to provide against free quarter, they desire his Highness to advise with the Parliament, and to provide effectual remedy.* Now there being yet nothing done hereupon, the Soldiers began to speak high and threatening." Whitelock's Memorials, p. 677.



from the Commons should be the first Order of the day. On Question, however, it was resolved to take the Bill into consideration without delay. The amendments made by the Committee were accepted, and, after the House had filled up certain blanks which had been left for the insertion of dates, the Bill was ordered to be engrossed.

The Resolutions of the House of Commons,\* to which reference has just been made, were sent up to the Lords for their concurrence on the 19th of April.†

After the Messengers from the Commons had been informed that the Lords would send an answer by Messengers of their own, a Motion was made "that the consideration of these votes shall be taken up without any other business to intervene," upon which the Previous Question was moved and carried. The division appears to have been a close one, but the exact numbers are not stated in the MS. Journal.‡

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\* It was the passing by the House of Commons of these two Resolutions which were designed to restrain the power of the military leaders that hurried on the quarrel between the Parliament and the Army and led to the downfall of the Protector. C.J., VII. 641. Burton's Diary, Vol. IV., pp. 448-459.

† The House of Commons had resolved on 28 March by 198 votes to 125 "to transact with the persons now sitting in the Other House, as an House of Parliament during the present Parliament; and that it is not hereby intended to exclude such Peers, as have been faithful to the Parliament, from the Privilege of being duly summoned to be members of that House." C.J., VII. 621. The Republican leaders had fought desperately to prevent the recognition of the Lords. For the debates on this subject, see Burton's Diary, Vol. III., pp. 349-369, 403-424, 509-548, 550-578, 594. Vol. IV., pp. 7-41, 47-89, 277-293, 335-349, 351-359. Ludlow's Memoirs, Vol. II., pp. 58-61.

‡ The first communication between the two Houses was on 14 April, when a Message was brought from the Commons "by Mr. Grove and a great number of other Members," to desire the concurrence of the Lords in a Declaration which the Commons had passed for a General Fast. A description is given in the MS. Journal of the way in which the Commons' Message was received by the Lords. Ludlow complains that the ceremonies of presenting it "were the same that had been formerly used to the Peers on the like occasion." The manner in which Messages were to be carried to the Other House had been much discussed in the Commons. See the Resolutions of the House upon this subject on 6 and 8 April. C. J., VII. 626, 627, 632. Old Parly. Hist., Vol. XXI., p. 338.

‡ "I am told the other house was in a great consternation upon receipt of these resolutions of ours, and were so high, as many moved to lay them aside, and it was carried but by one voice to the contrary, which I somewhat admire; for without doubt, if they disagree with us in these, a farther transaction may be doubtful." Dr. Thomas Clarges to Henry Cromwell (undated); Thurloe's State Papers, Vol. VII., p. 657. Whitelock states that the votes were derogatory to the House of Lords and distasteful to the Army. The difficulty of the position of the Lords with regard to these Resolutions is obvious, when it is remembered that the majority of the members of the House were prominent soldiers. It was, no doubt, this fact which, as one of the Royalist agents suggests to

On the 20th of April, after notice had been taken "that divers of the Lords who were present yesterday are now absent," and directions had been given to the Gentleman Usher to send notice "unto such of the Lords as can be met with that the House doth expect their presence," the Resolutions of the House of Commons were taken into consideration.\* After a debate had been held on the first Resolution, a Motion for the adjournment of the House was carried. It was then moved that the House should meet again in the afternoon of the same day. This Motion was carried, and the debate was accordingly resumed in the afternoon, but no result was arrived at, and the discussion of the Resolutions was again adjourned.

On the following day there was no business of any kind in the House of Lords, and on the 21st of April the debate was once more adjourned until the next day. On that day L. Keeper Fiennes informed the House that he had received a Commission from the Protector, directed to himself, L. Keeper Lisle, L. Keeper Whitelock, L. Lawrence, L. Fleetwood, L. Desborough and John, L. Jones, to dissolve Parliament. The Commissioners immediately took their places on a form between the Chair of State and the Woolsack, and a Message was sent to summon the Commons. Then the House, "taking notice that the Gentleman Usher had stayed very long without returning any answer," ordered him "to knock at the door of the House of Commons and let them know he is required to desire admittance or to return an account to the House." The Gentleman Usher eventually returned and stated that he had knocked and received no answer "and now the House of Commons is risen." The Commissioners then formally dissolved

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Sir E. Hyde, encouraged the Army "to their late interposition into the affairs of State, wherein they durst not so well have medled, if they had been obnoxious to the power of one house alone, who in some heat might in an hower's time have voted them all out of their commissions; whereas now it must pass two houses, and in the later find 22 great officers of the army besides other favourers, though I doe not say that all of them approve what the councill of officers have done." Thurloe's State Papers, Vol. VII., p. 662. See also Sir Philip Warwick's Memoirs, pp. 391—392. London, 1701.

\* According to the list in the MS. Journal, there were three more Lords present on this occasion than on the previous day, viz., Whitelock, Barkstead and George Fleetwood.

Parliament, and a constitutional experiment, unique in the history of England, had ended in failure.\*

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Professor Firth most kindly gave me much valuable information with regard to the Protectorate House of Lords. I have received the greatest assistance in the work of preparing the document for publication from Mr. H. P. Norris, copyist in the Parliament Office.

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\* Whitelock states that Richard's fall which immediately followed the dissolution of Parliament, was due to the intrigues of his own relations, notably Fleetwood and Desborough, and that he himself and others advised the Protector not to get rid of the Parliament. Whitelock's Memorials, p. 677. Clarendon's account agrees in the main with Whitelock's. History of the Rebellion and Civil Wars in England, Vol. III., p. 516. Oxford 1704. But a letter, written by Nehemiah Bourne, who claims to have had special knowledge with regard to the inner councils of the army, gives a different version of the affair. "He affirms positively that the movement originated with 'the generality of the officers of the army' instigated by the republican party outside it, not with the superior officers." See *The Clarke Papers*, Vol. III., Preface, p. xxvii., and Appendix C., pp. 209—217.

CUTHBERT HEADLAM.

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# THE MANUSCRIPTS OF THE HOUSE OF LORDS.

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1457. Nov. 16. King's Speech.—Draft of King's Speech on opening Parliament this day. L. J., XVI. 476. *In extenso.* 1699.

1458. Nov. 16. Garter's Roll.—A Roll of the Nobility of England delivered to the Clerk of the Parliaments. *Signed* Tho. St. George, Garter. It contains 166 names. *Parchment Collection.* No. 1457.

1459. Nov. 16. Writ of Summons (D. Bolton).—Writ of Summons to Charles, D. Bolton. *Dated* 1 June 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 477.]

1460. Nov. 16. Poor (Defrauding by Select Vestries) Bill.—Draft of an Act for the preventing of the Poor being defrauded, and redress of several other abuses. Practically identical with the Poor Relief (Select Vestries) Bill, 1698\*; but the proviso as to burial fees and pew rents, and that as to the glebe, at the end of the Bill, are here crossed out. [Read 1<sup>a</sup> this day. L. J., XVI. 477. There were no further proceedings.]

Annexed:—

(a) Breviate of the Bill.—The Bill sets forth that in many parishes and places great evils happen from Select Vestries by misapplying money for relief of the poor. It therefore enacts that from henceforth, in all places where Select Vestries have been held, they do meet together in their respective parish churches, and there elect and appoint so many as have been accustomed for their respective parish of the most discreet inhabitants to be vestrymen for one year, and to do and perform all lawful acts belonging to such place or office. There is a clause directing the notice which shall be given for the choice of such persons as are fit to be vestrymen. There is another clause that the parson, vicar, curate and churchwardens for the time being shall be members of every such vestry, and the parson, or, in his absence, the vicar or curate, shall be chairman thereof, and are empowered to call before them former vestrymen

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\* House of Lords MSS., Vol. III. (New Series), No. 1325.

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and others who have possessed themselves of the poor's money, and to examine their accounts, which if not found just, complaint may be made to the Justices at their Quarter Sessions for them to hear and redress the same. *Endorsed* Breviate, Vestry Bill.

1461. Nov. 16. *Jackson v. Warren*.—Petition and Appeal of Samuel Jackson, executor of John Warren, Esq., deceased. The Testator, John Warren, having an estate worth 400*l.* a year at Wells, in Wexford, and being a widower and childless, made a Will leaving it to Hugh Warren on payment of 5,000*l.* to Petitioner, the executor, for payment of several legacies to his relatives, or Hugh might elect to accept a legacy of 500*l.* in lieu of the estate. The Testator died on 10 June 1693, and Hugh, who was then present, possessed himself of over 400 guineas which the Testator kept in his house. He also took 800*l.* and some jewels belonging to the Testator, as well as all the writings connected with the property. He subsequently went to England and then elected to receive the legacy of 500*l.* The Petitioner exhibited a Bill in the Chancery of England to compel him to give up the writings and account for the personal estate and money in his possession. Hugh, in his Answer, offered to join with Petitioner in the sale of the estate, but avoided the discovery of the money. A year afterwards he exhibited a Cross Bill, pretending that a codicil had given him the estate on payment of 4,500*l.*, and praying to be allowed to change his mind and take the estate for that sum. On the hearing, the pretended codicil was disproved. Hugh then took possession of the lands by force, and exhibited his Bill in the Chancery in Ireland to the same effect as his Cross Bill in England, which was thereupon dismissed with costs. A Decree was then made in Chancery in England on Petitioner's Bill, ordering Hugh to take the legacy and comply with Petitioner's requirements, but Hugh, to evade it, withdrew into Ireland, and served Petitioner to answer his Irish Bill. Petitioner pleaded in bar to it the two English Bills, and that Hugh ought not to draw the matters in issue again in Ireland after they had been disposed of in England; but the Lord Chancellor of Ireland, assisted by the Judges there, overruled his plea, and ordered him to answer. Prays that the matter of his plea may be heard by the House and allowed and that Hugh Warren may be ordered to answer. *Signed* Saml. Jackson. *Countersigned* T. Powys, Hen. Penton. L. J., XVI. 477. [At the Hearing on 9 Feb. *Sir Tho. Powys* and *Mr. Serjt. Wright* were heard for Appellant and *Sir Barth. Shore* and *Mr. Harcourt* for Respondent. After depositions had been read, Counsel were asked whether the Decree in England was signed and enrolled? On their stating that it was so, they were asked whether both sides would consent that the enrolment should be set aside and the Cause heard in the Chancery here? *Sir Tho. Powys*, for the Appellant, consented. *Mr. Harcourt*, for Respondent: We are under hardships if we consent. On the following day *Mr. Harcourt* declared that his client proposed to refer it to [the] Lords, and, if that would not do, he was ready to submit. *Mr. Filmer* heard for Respondent. *Sir Tho. Powys*: Here is much abuse offered to your Lordships. They have seen the depositions. He has kept 1,200*l.* from the children. *Mr. Penton* heard for Appellant. The paper of Proposals for Respondent read. Then follow the first three Proposals set out in Annex (d). *Ordered* that affidavit be made (*see* Annex (d), Proposal 3) and delivered to this House, and Counsel heard on it. Counsel told that the House will not enter into further consideration of the Proposals, but that the Respondent prepare an affidavit and give a

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copy to the Counsel on the other side. They propose to give the copy of the affidavit on Monday. The Counsel were told the Lords will hear Counsel upon the affidavit on Tuesday next. On 13 Feb. *Mr. Filmer* says they cannot insist upon the 3rd proposition in the Proposals: We desire that the enrolment be set aside in order to a re-hearing. *Sir Tho. Powys* consents for a re-hearing. Then the Judgment was given as set out in L. J., XVI. 512, with the exception of the last clause, added on 19 Feb. *Ib.* 520. On 19 Feb. *Mr. Filmer*, heard on Warren's Petition (Annex (e)): As the Order is penned, it is certain it will be a bar in Ireland; and so, on the contrary, if we have a Decree here, it will be a bar for us there. We took it to be the intention that all in Ireland should be set aside. Let it now be declared that we may bring a Bill in Ireland. *Sir Tho. Powys*: They desire what never was in the Appeal. *Proposed* that no proceedings be in Ireland until after the re-hearing of the Cause here. After this the addition was made to the Judgment, as in L. J., XVI. 520. MS. Min.]

Annexed:—

- (a) 9 Jan. Petition of Hugh Warren, Esq., the Respondent. Respondent had a Petition ready to present to the House on 22 Dec., but could not offer it then or since. He had been ordered to answer by 30 Dec., but his papers have only just arrived from Dublin, and he is at present committed to the Fleet by the Court of Chancery in England for his proceedings in Chancery in Ireland, so that he cannot prepare his defence. Prays for further time to answer, and for leave to attend his Counsel and agents, in custody of the Warden of the Fleet. [Read this day. L. J., XVI. 489.]
- (b) Certificate of W. Ford, Warden of the Fleet, that Hugh Warren, Gent., is committed to his custody for non-performance of a Decree of Chancery at the suit of Samuel Jackson. *Dated* 18 Nov. [Appended to preceding.]
- (c) 23 Jan. Answer of Hugh Warren, Esq. Decree of Chancery in Ireland was just. Appellant has submitted to the jurisdiction of that Court, notwithstanding his pretence that the matter had been finally disposed of by the Chancery in England, and has two Bills now depending in Ireland against Respondent. Hopes the Appeal will be dismissed with costs. *Signed* Hugh Warren. *Countersigned* P. Bowes. *Endorsed* as brought in this day.
- (d) 10 Feb. Respondent's Answer to the Proposal on hearing the Appeal:—(1) That the Decree in the original Cause and dismissal of the Cross Bill be waived. (2) That Mr. Warren be discharged out of the Fleet to which he stands committed for not obeying the Decree, *first giving security to answer such Decree as shall be made.\** (3) That Mr. Warren may have liberty of examining witnesses in the original and Cross Cause in the Chancery of England, he and his agents making the usual affidavit that they have neither seen nor been informed of the depositions.† (4) That the Bills and proceedings on each side in Ireland be dismissed by consent. MS. Min.
- (e) 17 Feb. Petition of Respondent. On the Hearing on 9th instant Proposals were made, which Petitioner answered, and he apprehended the Order would be made by consent upon the

\* The words in italics are added in the Clerk's hand.

† Noted in the margin, Not insisted. 13 Feb. 1699.



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several heads of his answer [*see* preceding paper], except the one as to a further examination of witnesses, which was waived by Petitioner's Counsel. In the draft Order, however, no notice is taken that proceedings in Ireland on each side are to be dismissed by consent, as, he conceives, was their Lordships' intention, so that Petitioner is left liable to be sued there. Prays the draft may be rectified. [Read this day. L. J., XVI. 519.]

1462. Nov. 16. L. Wharton's Privilege (Longstafe).—Affidavit of Adam Barker, of Parke Hall, Yorkshire, yeoman. Has known the boundaries between the manors of Swaledale and Arkengarthdale, in said county, for 18 years, viz., Wetshaw Head, the Height of Pinseat [Great Pinseat], and so westward along Heavenwater Dealt or Run. Philip, late L. Wharton, was always possessed of the manor of Swaledale, and obtained large quantities of lead ore from it, particularly from a vein called Frire Fould [Friarfold] vein, which Thomas, the present L. Wharton, still continues to work, and which runs eastward of the Height of Pinseat. The tenants of Swaledale have always fed their flocks on that ground, and consume the grass, and get ling and peat there. Deponent, as L. Wharton's agent, has sunk several shafts and cut watereourses on the said ground. The Forefeild shafts and drifts are half a mile within the Swaledale boundaries of Height of Pinseat and Wetshaw Head. Deponent had never been molested in working the mines until 26 Sept. last, when, by order of Charles Bathurst, of Clitts, Yorks., Esq., and Sir William Robinson, of York, Bart., Thomas Longstafe, of Fremington, Yorks., Gent., and others, all of Arkengarthdale, miners, sank a shaft on the very ground worked by L. Wharton, and got at the vein called Friarfold, thus diverting the lead from L. Wharton's shafts. Sir W. Robinson's title to the ground is a lease from Mr. Bathurst of 19 Sept. last. Deponent's brother, Robert Barker, over 30 years ago worked a lead mine nearer the Arkengarthdale boundary, on a lease from Philip, L. Wharton, without molestation. *Signed* Adam Barker. *Sworn* at Healey, Yorks., on 9 Nov., before Jos. Plewes, vic. comit. L. J., XVI. 477. [The House moved this day on behalf of L. Wharton's Privilege being broken by disturbance. Some affidavits offered in this case. Adam Barker's affidavit read. *Ordered* that the persons in the affidavit be attached. MS. Min.]

Annexed:—

(a) 16 Nov. Affidavit of Gyles Addison, of Healey, Yorks., miner. Twenty-six years ago he was with John Bathurst, Esq., (then owner of Arkengarthdale lead mines) and several other persons, at the riding the boundaries between Arkengarthdale and Swaledale, from Foregill Gate to Wetshaw Head, the Height of Pinseat and so westward by Heavenwater Dealt. Mr. Bathurst did not pretend any right further southward, nor to any part of the ground now in question, but acknowledged the same to belong to L. Wharton, who was then and is still working the Friarfold vein of lead ore. Deponent was a miner in Arkengarthdale for over 18 years, and all that time there never was any dispute about the boundaries nor was L. Wharton interrupted in working the lead mines upon the ground in question until 26 Sept. last, when several persons employed by Charles Bathurst or Sir Wm. Robinson, Bart., who claims by a lease from Bathurst of 19 Sept. last, sank a shaft at L. Wharton's vein of lead ore called Friarfold vein, which is half a mile short of the boundary marks that John Bathurst rode to. *Signed*

Gyles Addison, his mark. *Sworn* as preceding. [Offered this day. MS. Min.]

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(b) 16 Nov. Affidavit of James Thompson, late of Arkengarthdale, yeoman, aged 80 years and upwards. The boundaries described in the preceding affidavits have always been well known and acknowledged. Never heard the lords of Arkengarthdale lay claim to ground beyond the boundaries until five months ago Charles Bathurst solicited him to tell him what he knew of the boundaries in question; and on deponent mentioning the Height of Pinseat as a known boundary mark, Mr. Bathurst told him to hold his tongue, for he knew not what he said. The ground in question has been all along in the possession of the Lords Wharton and worked by them for forty years; and the Forefield shafts and drifts are half a mile within the Swaledale limits. *Signed* James Thompson. *Sworn* as preceding. [Offered this day. MS. Min.]

(c) 16 Nov. Affidavit of William Kirton, of Healey, yeoman, aged over 70 years. Has for the last 58 years known the boundaries which divided the manors, namely, Wetslaw Head, the Height of Pinseat and Heavenwater Dealt to a place westward called Little Punchard and Great Punchard, and so to a place called Water Crag. The Lords Wharton have been working lead mines there for the last 40 years. Some years ago there were great herds of red deer in the two manors, and L. Wharton's keepers used to kill them to the south of those boundaries, while the keepers of the King, in whom the manor of Arkengarthdale then was, did the like to the north of the boundaries. No claim was ever made to the ground in question by any of the lords of Arkengarthdale until that sworn to by the other deponents. *Signed* Willm. Kirton. *Sworn* as preceding. [Offered this day. MS. Min.]

(d) 16 Nov. Affidavit of Robert Bradbery, James Clarkson and James Metcalfe, of Swaledale, miners at the Swaledale lead mines for the last 27 years, under the Lords Wharton, and particularly at Friarfold vein, which has been worked by the Lords Wharton for over thirty years. About 27 years ago they worked that vein at a shaft called Pearl Grove, under Robert Barker, L. Wharton's manager, which shaft was nearer the boundary than the ground now claimed by Mr. Bathurst or Sir Wm. Robinson. Have worked Friarfold for 27 years without interruption until 26 September last. *Signed* Robert Bradbery, James Metcalfe, James Clarkson. *Sworn* at Whens, in Arkengarthdale, 10 Nov., before Jos. Plewes, vic. comit. [Offered this day. MS. Min.]

(e) 16 Nov. Affidavit of Anthony Webster, of Wensleydale, Yorks., yeoman, a workman for several years last past at L. Wharton's lead mines in Swaledale. Corroborates the evidence given in the previous affidavits, and states that on 1 Nov. John Hutchinson came upon L. Wharton's field with several persons having iron spades and other very desperate weapons in their hands, and threatened to slay L. Wharton's workmen. They discharged them from working in the shafts, declaring that 100 men should lie dead upon the place, but they would force L. Wharton's workmen out of Friarfold lead mines and would take them for Mr. Bathurst and Sir William Robinson. *Signed* Anthony Webster, his mark. *Sworn* as preceding. [Offered this day. MS. Min.]



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No. 1463. 1463. Dec. 4. Writ of Summons (Bishop of Oxford).—Writ of Summons to William [Talbot] Bishop of Oxford. *Dated* 28 Nov. 1699. [Took the Oaths this day. L. J., XVI. 480.]

1464. Dec. 7. E. Peterborough's Privilege (Hoyte): Affidavit of Francis Isham, of Sudborow [Sudborough], Northamptonshire, Gent., that the Duchess of Norfolk's land steward told him that the Duchess had given him orders to cut down a wood in that part of Drayton Park that is in Sudborow parish. *Sworn* on 20 Nov. before Tho. Pitt. *Endorsed* as read this day. [Complaint of this breach of E. Peterborough's Privilege was made this day, and on 9 Jan. *Sir Thomas Powys* was heard for the Duchess. *Wm. Lane* (sworn): The part in question is now in the same manor. It was since enclosed. She has had the use of it. *Francis Negus* also gave evidence. *Mr. Serjeant Wright* heard for E. Peterborough. *Robert Hull, Francis Isham*, and *Robert Welborne* sworn and heard. Hoyte was then discharged. MS. Min. L. J., XVI. 482, 490, 492.]

Annexed:—

(a) Affidavit of Samuel Reynolds, of Ringsted, Northamptonshire, Gent., that on 21 May 1698 he had served Samuel Goosey, Francis Goosey, Francis Hoyte, Edward Sanderson and Thomas Hoyte, servants of the Duchess of Norfolk, with copies of the Injunction of Chancery annexed and that he left a copy at Drayton House with Mrs. Colthurst, sister to Mr. Lane, the Duchess' steward. *Sworn* on 20 Nov. before Tho. Pitt.

(b) Copy of Injunction of Chancery directed to Henry, Duke of Norfolk, and Mary, his wife, and their servants, &c., on complaint of Charles, Earl of Peterborough, restraining them from committing waste in Drayton Park and other lands in the county of Northampton, lately belonging to Henry, E. Peterborough, deceased, under the penalty of 1,000*l.* *Signed* Trevor Trevor. *Dated* 28 March 1698. *Examined* 20 Nov. 1699. [Appended to preceding.]

(c) Affidavit of Robert Hull, of Sudborow, Northamptonshire, that he saw Thomas Hoyte, Samuel Goosey, Henry Webb, Arthur Larrett, Thomas Milborne and Edward Sanderson cutting up and carrying away wood in the part of Drayton Park that is in Sudborow parish. *Sworn* 20 Nov. before Tho. Pitt. [Hull gave evidence at the Bar on 9 Jan. MS. Min.]

(d) Affidavit of same that on 17 Nov. he saw toils set in the Park for taking deer, and deer were taken by the Duchess' servants, assisted by some of L. Mountague's servants, and deer were killed. *Sworn* 24 Nov. before S. Keck.

(e) 22 Dec. Petition of Mary, Duchess of Norfolk. Soon after the decease of Petitioner's father, E. Peterborough laid claim to all her estate in Northamptonshire, of which she and her trustees were then and have ever since been in possession. The Earl filed a Bill in Chancery for the discovery of writings and evidences concerning the estate. Thereupon an Injunction for stopping of waste was obtained, and, although Petitioner answered and pleaded her title as heir and as a purchaser, the Injunction has been continued from time to time on the Earl's suggestions, and on his offering to proceed to some decision in law or in equity by Easter Term next. Petitioner's servants were employed in November last by his Majesty's Yeoman of the Toils to remove some deer from one park to another, nearer the house, and had occasion to cut a little underwood, about 20*s.*



value, in a part of Drayton Park, of which the Earl never had possession. The Earl then moved the Court of Chancery to take Petitioner's servants into custody on a supposed breach of the Injunction; but, failing in that object, he complained to the House, alleging a breach of Privilege. The House accordingly ordered Thomas Hoyte, one of Petitioner's servants, into custody. Prays that either Hoyte may be discharged, or Petitioner may be heard by one Counsel touching the matter. *Signed* M. Norfolk. L. J., XVI. 488.

(f) 11 Jan. Petition of Thomas Hoyte, now in custody of Mr. Emmet, a messenger. Petitioner is informed there is an Order for his discharge, but is still in custody for want of money to pay his fees. Is very poor and old, with a wife and family starving in the country, and cannot pay. Prays to be discharged without fees. *Signed* by Petitioner. *Endorsed* as read this day and ordered accordingly. [A new Standing Order as to fees made thereon. L. J., XVI. 492-3.]

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1465. Dec. 11. Coote v. Langham.—Petition and Appeal of Colonel Coote. Petitioner's father Charles, late Earl of Montrath, in Ireland, was seised in fee of an ancient ancestral estate in Ireland and had had other lands given him in fee before the Restoration for his eminent services against the rebels. The Earl, by his Will, entailed the ancestral estate on his eldest son Charles with remainders in tail male to Petitioner and his brother Chidley Coote, with remainders over, and part of the acquired lands he entailed upon Petitioner, with remainders in tail male to Chidley and others, and other part of these lands he entailed on Chidley, with remainders in tail male to Petitioner and others. Disputes having arisen in the Earl's family before the Act of Settlement, it was provided by that Act that all the acquired lands should accrue to the King until the Lord Lieutenant and Privy Council of Ireland should adjudicate on the Earl's Will, which adjudication should have force as if enacted in the Statute. Accordingly on 15 Oct. 1663 the Lord Lieutenant and Privy Council decreed to Petitioner and Chidley their respective shares under the Will. The Decree was duly enrolled and was subsequently confirmed by the Act of Explanation; but although the Lord Lieutenant and Council ordered that after the Certificate and Letters Patent had passed the rights, titles and interests of all persons should be thereby concluded, yet such rights as were particularly reserved in the Letters Patent or were the proper act of the patentee or of those under whom he claims, were saved. Petitioner passed a Certificate and Letters Patent of his share, in accordance with his father's Will, and then Chidley did so for his share, without taking notice of the Will, Decree and Act which gave Petitioner a remainder in tail male in Chidley's share, though there was a saving to all former Certificates. Chidley afterwards, having contracted debts, undertook in his Will to dispose of his share as an estate in fee, devising it to a niece of his for life, with remainder to Petitioner and then to his own right heirs; Chidley then died without having suffered any recovery to bar Petitioner's remainder under his father's Will. Chidley's executor, and his creditors, then exhibited a Bill in the Chancery of Ireland to carry his Will into effect, demanding an account of the profits from the Petitioner. Petitioner answered and, pending the suit, the matter was referred to arbitration. The referees were named without Petitioner's consent, and Sir John Mead, who had been chosen umpire, gave his award that Chidley's share was an estate in fee simple, and liable to his debts, taking no account of the debts and

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 — anything mutual. Plaintiffs then exhibited another Bill to compel  
 No. 1465. the execution of this award, which Petitioner insisted ought not to  
 be binding. He therefore caused exceptions to be filed, which were  
 overruled, and the Court decreed the award a good award, that an  
 account should be stated, and that the creditors should have their  
 claims and costs out of the estate. The tenants were then ordered to  
 pay their rents and arrears to the Plaintiffs unless cause were shown to  
 the contrary. This Decree is erroneous, inasmuch as it destroys  
 Petitioner's title under his father's Will, the Decree of the Lord  
 Lieutenant and the subsequent Acts of Parliament. Appeals against it  
 and prays that the aforesaid Plaintiffs may be ordered to answer.  
*Signed* Rich. Coote. *Countersigned* Edw. Northey, Wm. Atwood.  
 L. J., XVI. 483. [At the Hearing on 1 March *Sir Tho. Powys* and  
*Mr. Northey* were heard for Appellant and *Mr. Serjt. Wright* and  
*Mr. Filmer* for Respondent. The Appeal was dismissed. MS. Min.]

Annexed:—

(a) 12 Feb. Answer of Joseph Langham, Elizabeth, Lady  
 Baroness Dowager of Shelburne, James Howison, James  
 Barlow and Samuel Vaughan. Respondents know nothing of  
 Appellant's Certificate and Letters Patent, but Chidley's lands  
 were never granted in any other Certificate than Chidley's, which  
 took no notice of his father's Will or the Decree or Confirmation  
 thereof. Respondents, who were advised that Chidley was, by  
 his Certificate, seised in fee of his lands, lent him money upon  
 his bond and otherwise. Chidley, who honestly intended to pay  
 his debts, made a Will charging his estate with the payment.  
 He did not suffer any recovery, as he did not doubt but that he  
 had an estate in fee. Appellant was so far satisfied with the  
 umpire's award that he exhibited his Bill in Chancery for  
 Respondents to swear how much was due to each of them.  
 His agent died soon after their Answer, and the Appellant then  
 refused to abide by the award. As Respondents were unable  
 to prove the agent's authority from Appellant, they were obliged  
 to exhibit another Bill. The case was heard by the Lord  
 Chancellor of Ireland and the Chief Justice of the King's Bench,  
 and a Decree pronounced as set out in the Appeal. All that  
 Appellant can pretend to is that Chidley committed a breach of  
 trust in treating the estate as a fee simple and not as an estate  
 in tail. Appellant ought possibly to be relieved in Equity, but  
 not at the expense of Respondents, who are real creditors of  
 Chidley Coote. Pray the Decree &c. appealed from may be  
 affirmed. *Signed* E. Shelburne, Joseph Langham, James  
 Howison, James Barlow, Sam. Vaughan. *Endorsed* as brought  
 in this day.

1466. Dec. 11. *Thorowgood v. Cordell*.—Petition and Appeal of  
 John Thorowgood and Rebecca, his wife. Edward Salisbury, deceased,  
 was seised in fee of some copyhold lands in Temple Duxford, Cam-  
 bridgeshire, which he surrendered to the use of his Will. He was also  
 possessed for several terms of years of other lands there, and of some  
 tenements by London Wall, and of a messuage and stables in All Saints  
 parish, near Broad Street, and of a tenement at Pye Corner. By his  
 Will he devised his lands in Temple Duxford to his niece Elizabeth, the  
 daughter of his brother John, the tenements by London Wall to his  
 kinsman John Salisbury and his wife, and the survivor of them, the  
 messuage and stable to his brother John, the tenement at Pye Corner



to Eliza Waller. The net residue of the estate he gave to his brother John, making him executor. The Testator died considerably in debt, and his brother possessed himself of all the leasehold estate and also all the copyhold estate, as there did not appear any surrender to the use of the Will, which has since been found. Testator's niece Elizabeth married John Budgen, and died without issue, leaving her husband and her sisters, viz.—the Petitioner Rebecca Thorowgood, Mary, the wife of Edmund Cordell and Martha Salisbury,—her heirs-at-law. Rebecca's father John Salisbury, possessed for a term of years two tenements at the end of Cow Lane near West Smithfield, which he left by Will to Meliora, his wife, to go together with the profits of the Temple Duxford lands, to the maintenance of his daughter Martha, the overplus to go to his widow. The tenements at Pye Corner and the houses near London Wall he left to his wife for life, and after her death to his two daughters Rebecca Thorowgood and Mary Cordell, but if either of them disputed his Will or demanded more than it gave to them, the property was to go to his wife, whom he made executrix and residuary legatee. After his death, Meliora, his wife, devised one of the Cow Lane tenements to Mary Cordell for life, and the other to Appellants; and she made Petitioner John Thorowgood, her residuary legatee. Martha, who was infirm was maintained by her father, then by her mother, then by Petitioner John Thorowgood. The Cordells and Petitioner exhibited a Bill and Cross Bill in Chancery to have their shares under the Wills or the Customs of London, and the Lord Keeper decreed the copyhold lands in moieties between them. Martha's right to a third was ignored by the Decree, and Petitioner ought to have been compensated for her maintenance. Petitioner Rebecca, although a *feme covert*, was decreed to account, and she is now prosecuted with contempt and must be thrown into gaol. Mary Cordell is dead, and Petitioners have been served with a subpoena to revive at the suit of her husband, who is her administrator. There have been several Masters' reports made during Petitioner's absence in Flanders, the last one charging him with 708*l*. Petitioners appeal from the Decree and Orders, and pray for stay of proceedings in the meantime. *Signed* by both Appellants. *Countersigned* Robert Price, Sim. Hareourt. L. J., XVI. 483. [At the Hearing on 19 March *Mr. Cooper* and *Mr. Dobbins* were heard for Appellants, and *Mr. Phipps* and *Mr. Filmer* for Respondents, for whom they asked exemplary costs. The Petition was dismissed with 30*l*. costs. Then Charles Wood was reprimanded for signing Appellant's printed case, though not Counsel here or below. MS. Min. L. J., XVI. 551.]

Annexed:—

(a) 9 Jan. Answer of Edmund Cordell, administrator of Mary, his late wife and the widow of John Hallett. The lands in Temple Duxford had been purchased from one Colonel Symonds. The lands in Essex were in Wenden and Newport. Appellant was a shopkeeper in London, and if absent in Holland, it was only for a time. He had done everything for delay, wasting two years in a fruitless arbitration. The Decree and Orders are just. Prays that Appeal may be dismissed with costs. *Signed* Edmund Cordell, by his mark. *Countersigned* Hen. Stevens. *Endorsed* as brought in this day.

1467. Dec. 11. Matthew Smith's Libel.—Letter from Matthew Smith to Lord Chancellor Somers, (with separate cover), sending some papers of public concern to be communicated to the House. *Dated* 4 Dec. *Endorsed* This was owned by Mr. Smith to be his handwriting, 11 Dec. 1699. [On 7 Dec. the House was informed that there was a

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book printed, reflecting on this House, entitled, Remarks upon the D. of Shrewsbury's letter to the House of Lords concerning Capt. Smith. The Duke's letter was read out of the print. *Ordered* that Mr. Smith be attached and that an enquiry be made by whom the book was printed. On 11 Dec. the *Master and Wardens of the Stationers' Company* were heard, and say they have found out the publisher, Mrs. Baldwin in Warwick Lane. They deliver two papers, both signed Matt. Smith, which were read. The *Serjeant-at-Arms* says he had been in several places to find him. He heard he was at Waghore's Coffee House. The House was informed that Mr. Smith had surrendered himself to the Serjeant. *Mr. Smith* was brought to the Bar, and kneeled, and was asked if he was the author of the book shown him? [*Says*] I did present a printed written book to the House, directed to the L. Chincellor, and owned the book when shown him. He was shown the two notes delivered this day. He says Mrs. Baldwin is his publisher, and owns the two papers to be his handwriting. *Moved* that Mr. Attorney-General be ordered to prosecute Matthew Smith for printing the Orders and Proceedings of this House, and so many scandalous reflections on a Member of this House. The 20 Jan. [? June] 1699 read. A debate arose concerning reading the book or manuscript Smith owned to be his handwriting. The book was read, and, after debate, the *Question* was put, Whether Mr. Smith be guilty of a breach of Privilege? It was resolved in the affirmative. *Ordered* that he be taken into the custody of the Gentleman Usher of the Black Rod. On 15 Dec. a petition of Matthew Smith read, praying to be discharged (Annex (c)). *Moved* to vote that the book written by Smith is a false and scandalous libel. *Moved* to read the book. The book was read through. *Moved* to declare that the manuscript entitled, Remarks upon the Duke of Shrewsbury's letter, and the printed book, being a copy of the same, is a false and scandalous libel reflecting upon the honour of this House, and particularly on his Grace the Duke of Shrewsbury. *Proposed* to ask Smith if the King had employed him since the vote of this House. After debate, it is resolved and declared that the book entitled, &c., contained in a written book presented to this House by Matthew Smith, and a printed copy of the same, are a false and scandalous libel and reflection on the honour of this House and the honour of the D. of Shrewsbury. *Proposed* to call in Mr. Smith and ask him. *Smith* was called in and asked, by Order of the House: You take notice of a gentleman in your book that offered you a sum of money and would employ you abroad. Who was that man? He [*Smith*] said it was Mr. Arnold. He gave me 100*l.*, and he told me the King ordered him so to do. *Asked* if he had a letter from him abroad? He says he can procure those letters under his hand, and a pass too, signed by Mr. Arnold. *Asked* concerning the number of names at the end of his book? *Says*, I had the list from Mr. Arnold. I copied his list and gave it him again. I had the power to correspond from Mr. Arnold. I had this authority by word of mouth from him and letters to confirm it, and he said he had it from the King. He withdrew. *Moved* to burn the book by the hangman. *Smith* called in again. *Asked* as to the preface, that Lady Perkins was to be introduced, and a person sent her away very sorrowful, and told the K. would not receive it? [*Says*] You must ask the Lady Perkins about this. My kinsman told me it was the D. of S. My brother is dead. The D. of Norfolk knows this, and he asked me why the lady was not there. I saw my Lady afterwards, and she thought it was the D. of Shrewsbury. She was the only person that had access to the Duke. The Lady was with Mr. Secretary Vernon. She told me so herself.

My Lady Perkins told me she thought it was the D. of Shrewsbury. She told me she was turned back, and she told me she supposed it was the D. of Shrewsbury. She told me she did not deliver the last petition. She said a great man, she supposed it was the D. of Sh., told her it was in vain for her to deliver it. I drew up this petition, and showed it to the D. of Norfolk. The subject of the petition was to desire that his friends might have access to him, because it might turn to his Majesty's service. The Lady Perkins had access to him. His own mother and sister and me he had a mind to see. I did not see the Lady Perkins till the summer following. Sir Wm. Perkins paid all his debts, as the country knows. *Moved* that Smith produce Arnold's letters. *Ordered* that the Book shall be burned by the hand of the common hangman on Monday next in the Old Palace Yard between the hours of 12 and 1. *Ordered* that Mr. Smith produce Mr. Arnold's letters and the pass. MS. Min. The rest of the proceedings connected with this matter are set out in L. J., XVI. 486, 487.]

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No. 1467.

Annexed:—

(a) 11 Dec. Paper as follows:—Mrs. Baldwin, pray publish my remarks, and I will be answerable to you for 'em. Witness my hand and seal. *Signed* M. Smyth, and *sealed*. *Dated* from the Green Mews at Charing Cross, 4th December 1699. *Endorsed* This was owned by Mr. Smith at the Bar to be his handwriting and that Mrs. Baldwin was his publisher. 11 Dec. 1699. [This and the following paper were delivered and read this day at the Bar.]

(b) 11 Dec. Letter from Smith to Mrs. Baldwin, as follows:—Mrs. Baldwin, hearing you have been sent to about my book, and it being reported that I have absconded, this is to let you know that, as I got the book printed, and agreed with you for the publishing of it, so you need not be concern'd, for I will certainly appear before the Lords on Monday by twelve o'clock, to answer what I have done. I am your friend and servant. *Signed* Matt. Smyth. *Dated* Saturday evening, Dec. 9. *Endorsed* as in principal paper.

(c) 15 Dec. Petition of Smith, praying to be discharged, as he had offended only through ignorance. L. J., XVI. 485.

1468. Dec. 13. *Ravenscroft v. Mayes*. Petition of Nathaniel Herbert, Gent. Petitioner together with Thomas Ravenscroft, Esq., presented an Appeal to the House on 7 December against Robert Mayes, whose solicitor, Mr. Smethe, was duly served with the Order to answer; but on the same day Petitioner, by direction of the Respondent, was arrested by William Townsend, an officer of the sheriff of Middlesex, at his house in Bloomsbury upon an attachment for non-performance of the Decree appealed against. Townsend threatened to carry Petitioner to Newgate, but kept him at his house in Whitechapel till Saturday morning last. Prays their Lordships to take into consideration this breach of their Order and that he may be reimbursed the costs that Mayes has thereby put him to. *Signed* Nath. Herbert. [Read this day, and *Thomas Tooke* and *Herbert* examined as to the circumstances of the arrest. Townsend ordered into custody. On 18 Dec., on Townsend's Petition, and the evidence of *Robert Cleck* and *Margaret Wade* that he was willing to discharge Herbert, but Mayes would not let him, he was discharged paying fees. L. J., XVI. 484, 486. MS. Min. The Appeal was brought on 7 Dec., and withdrawn on 27 Jan. L. J., XVI. 482, 502.]



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No. 1468.

Annexed:—

- (a) 18 Dec. Petition of William Townsend, an officer of the sheriff of Middlesex, in custody of the Serjeant-at-Arms. On 7 Dec. he arrested Nathaniel Herbert, Gent., at the suit of Robert Mayes on an attachment for 40*l.* 6*s.* 8*d.*, and thereupon Herbert produced the annexed copy of the Order of Service (Annex (b)). Petitioner was doubtful whether he could discharge him after the arrest, but went to Mayes, who refused to discharge him until the next day, when he sent the discharge (Annex (c)). Petitioner acted by direction of Mayes and was ignorant of the offence against the House, for which he begs pardon. *Signed* William Townsend. L. J., XVI. 486.
- (b) Copy of Order of Service on the Appeal, dated 7 Dec. L. J., XVI. 482. *In extenso.* [Appended to preceding.]
- (c) Authority from Robt. Mayes to Mr. Townsend to discharge Herbert. *Dated* 8 Dec. *Signed* Rob. Mayes. *Attested* Tho. Smethe. [Appended to Annex (a).]
- (d) 27 Jan. Letter from Robert Mayes to Sir William Russell. The letter states that if Sir William can procure Mayes' landlord, Mr. Ravenscroft, to discharge Mayes in full of all rent due to Michaelmas last, in consideration of his bill, and pay 100*l.*, he engages to discharge Ravenscroft and Mr. Herbert of all claims he has against them. He promises to leave the farm at Michaelmas and pay 120*l.* for the year's rent, and likewise 40 acres of fallow to be left at the expiration of the year, if he is allowed to thrash for four months and carry out his corn, and also to sell chalk not exceeding 3*l.* in value. *Dated* 19 Jan. *Signed* Rob. Mayes. *Attested* Wm. Thacker. Noted below is Mr. Ravenscroft's consent to this agreement. *Dated* 19 Jan. *Signed* Thomas Ravenscroft. *Attested* T. Tooke, Wm. Thacker. *Endorsed* with this day's date.
- (e) Paper containing statement that the Parties are agreed and desire the Petition of Appeal may be withdrawn. [Appended to preceding.]
- (f) 12 Feb. Mr. Tooke's receipt for the Appeal and Answer, received from John Walker, Esq., pursuant to Order of 27 Jan. *Dated* this day. *Signed* T. Tooke.

1469. Dec. 13. Chamberlen v. Doyne. Petition and Appeal of Hope Chamberlen, Gent. Col. William Walker, late of Tankerstowne, Queen's County, Ireland, had from Arthur, late Earl of Anglesey, a 99 years' lease of lands in the baronies of Bargy and Ballyheon, in the county of Wexford, which he left to his wife and sole executrix Elizabeth Walker. William Walker, Esq., her son, also had some right thereto. She gave a 61 years lease thereof to Joseph Saunders, of Dublin, Esq., at a rent of 70*l.* for the first 51 years and 75*l.* for the remainder. She and her son then went to England, and borrowed money of Joseph Saunders, which he was to recover from the growing rent of the premises. Joseph Saunders died, after making Sir Richard Buckley, Bart., and Henry Whitefeild, his executors. They are both dead, and Temple Whitefeild, Henry's son, is his executor. Jane Saunders, widow of Joseph Saunders, married Robert Doyne, Esq., who remains in possession of the premises without paying rent, alleging an absolute purchase, in consideration of the loans which Elizabeth and her son had received from Joseph Saunders. Elizabeth afterwards sold the premises to Thomas Saunders, of London, merchant, who sold them to Appellant. Appellant then exhibited a Bill in Chancery in Ireland against Robert



Doyne, Jane, his wife, and Temple Whitefeild for arrears of rent, who pleaded the pretended prior assignment to Joseph Saunders. On the hearing, Elizabeth swore that she never had made any such assignment, and believed that her son, who in the meantime had died, never perfected any such agreement, nor was any such assignment produced. The money which she had borrowed was on bonds and judgments still in force against them. Yet the Lord Chancellor of Ireland dismissed Petitioner's Bill. Appeals against such dismissal. *Signed* by Appellant. *Countersigned* N. Wrichte, Jo. Danyell. L. J., XVI. 484. [At the Hearing on 14 March *Mr. Serjt. Wright* and *Sir Barth. Shore* were heard for Appellant and *Sir Tho. Powys* and *Mr. Pooley* for Respondents. Petition dismissed. MS. Min. L. J., XVI. 547.]

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## Annexed :—

- (a) 7 Feb. Petition of Robert Doyne, Esq., for further time to answer, as, by reason of contrary winds, he has not received any of his papers from Ireland proper for his defence. *Signed* Ro. Doyne. *Endorsed* as read this day. L. J., XVI. 507.
- (b) 21 Feb. Answers of Robert Doyne, Esq., and Jane, his wife, and Temple Whitefeild, Esq. The Decree is just. Pray the Appeal may be dismissed with costs. *Signed* by the three Respondents. *Countersigned* Ric. Turner. *Endorsed* as read this day.

1470. Dec. 13. Siderfin's Estate Act.—Amended Draft of an Act for vesting the manor of Exton and other lands in the county of Somerset, late the estate of Thomas Siderfin, Esq., deceased, in trustees, to be sold for payment of debts. The amendments made in the Select Committee were to leave out the capital messuage of Crowdon, in the parish of Carhampton, and two acres of wood ground in Timberseombe Wood used with it, the messuage of Coombe *alias* Coombpero with 90 acres belonging to it, in the parishes of Timberseombe and Carhampton, and the messuage of Wheddon *alias* Southwhoddon, in the parish of Cuteomb, with 114 acres belonging to it, to add certain other lands mentioned in an indenture tripartite of 14 June 1687. The premises to be sold in addition to the manors mentioned were specified and the words, all other the said premises in Carhampton, Timberseombe *alias* Timberscombe, Cuteombe, Luceombe and Dunster, were left out. At the end of the Bill a clause was added substituting Diers Tenement and 50 acres of overland for the lands in the marriage settlement which were to be sold. Com. Book 22 Jan. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent on 11 April 1700. L. J., XVI. 484, 578. 11 & 12 Will. III. c. 34 in Long Cal.]

## Annexed :—

- (a) 11 Dec. Petition of Robert Siderfin, of Croydon, in the county of Somerset, Esq., for leave to bring in a Bill to sell part of his lands to pay off his debts, which, by reason of a subsequent settlement made by him, he cannot do without an Act of Parliament, to which all parties to the settlement agree. *Signed* R. Siderfin. [Endorsed as read this day, and leave given to bring in the Bill. L. J., XVI. 483.]
- (b) 22 Jan. Consent of John Worth, of Luxborrow, James Cornish, of Withill, and Thomas Darch, of Stawley, all in the county of Somerset, the trustees in the last marriage settlement of Robert Siderfin, to the Bill They believe that

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part of the manor of Exton is mortgaged to Mr. Lightmaker for 1,000*l.*, that other parts of the estate are charged with an annuity of 100*l.* a year to Robert Siderfin's sister-in-law, and that there are other debts. *Dated* 9 Dec. *Addressed* to L. Haversham. [Produced this day before Select Committee. Com. Book.]

(c) 22 Jan. Amendments made in Select Committee this day. Com. Book.

1471. Dec. 13. Forfeited Estates (Ireland).—Letter from Henry, Earl of Drogheda, Sir Francis Brewster and Sir Richard Levinge (three of the seven Commissioners appointed by Sections 94 and 95 of the Act 10 Will. III., c. 9, for granting to his Majesty the sum of 1,484,015*l.* 1*s.* 11¾*d.* for disbanding the Army, providing for the Navy, and for other necessary occasions) to the Lord Chancellor, as follows:—

Our very good Lord,

We having been appointed Commissioners with four others for executing so much of a late Act of Parliament made in England as relates to the forfeited estates of Ireland, and having acted jointly with them therein to the expiration of the time limited by that Act, and from that time, attended the putting in order and perfecting the matters of our enquiry unto this present day, and having with them signed and sealed the several books containing the names of the forfeiting persons, the particulars and values of the forfeited estates real and personal, the counties and baronies wherein they lie, the several grants and dispositions of the forfeitures and the considerations thereof, the reversals of outlawries and pardons of forfeiting persons and their considerations, and how and by whom procured, we conceive that we have thereby in all essential matters answered the ends of the said Act, and completed the execution of the trust reposed in us. But since it was thought convenient that a Report of our proceedings should be also made for the better explanation of the books, which contain the substance, and to render them more useful and intelligible, we gave a general consent that the Secretary should draw it up, but gave them no particular directions ourselves concerning the same. The draft of which being produced, we excepted against several of the many paragraphs contained in it; some for not being within the powers given us by the Act, and others as not warranted by depositions or other proof,\* and after many debates with the other Commissioners, we, desiring to comply with them as much as possible, agreed to eighty-two paragraphs of the Report, containing more than all that related to the books, and excepted only against about eight paragraphs, though we were not fully satisfied with several of those which we had passed in the manner they are expressed. And when in these few matters our reasons would not prevail, but that they over-ruled us by the pretence of a majority of 4 against 3; and having laboured to influence us by private letters, instructions and directions which they affirmed they had received from several members of the honourable House of Commons, we did not insist further on having those eight paragraphs left out of the Report. But when the Report was engrossed and came to be signed on Tuesday the 28th instant, as we were content the other four should sign and seal the same as they thought fit, so we desired to

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\* This Report, from here to the end is printed, though not quite accurately, in Ralph's Hist. of England, Vol. II., p. 833.



sign and seal the same as an approbation of all contained therein except those paragraphs, and accordingly on that part thereof addressed to the House of Commons, one of us did write the words to the effect following: We agree to the above Report except the 8th, 10th, 25th, 32nd, 66th, 78th, 79th paragraphs, and the paragraph wherein the private estate of the late Duke of York is included, to which we cannot agree for reasons which we will be ready to lay before your Honours when you are pleased to require them from us: and afterwards we signed and sealed the same, praying the other Commissioners to sign and seal as they thought fit, and offering to sign and seal the other parts of the Report addressed to his Majesty and the House of Peers. But they then instantly, pretending to make an order against what we did, refused either to sign with us, or in a space left for them above our writing, and hastily took away the other two parts of the Report which we had offered to perfect, and also took from us that part which we had already perfected. We then adjourned by common consent till 4 in the afternoon this day, and understanding that they had pretended to make an order for cancelling the Report, which we had signed and sealed, and seeing at the time of our meeting that most of the papers belonging to our Commission were taken away, we, with all speed, delivered to them a Memorial under our hands and seals, offering thereby to sign and seal the other two parts of the Report in the manner we had done the former, and to leave in them a greater space for the other Commissioners to sign and seal above us, and, if desired, to amend even that which was done before, praying them not to cancel what we had perfected. We also put them in mind that we had often made request to them to compare the original depositions which were taken before us, and were much blotted and interlined and capable of great alterations with the entries thereof in our books, and that we might all of us sign and seal the said entries, and we also prayed them to give us copies of those paragraphs to which we had agreed, and more especially those to which we dissented, that we might be the better able to represent to the most honourable House of Peers the reasons of our disagreement to those paragraphs. But finding no success and the other Commissioners owing to us that they had, after our adjournment the last night and after we were gone away, cut off that leaf of the Report on which we had written our consent and put our hands and seals, and they insisting that unless we would declare our consent to all the paragraphs we should declare it to none, and, refusing absolutely to let us sign the said Report in any manner that might express our disagreement to any part of it, we think ourselves under a necessity of applying to your Lordship to lay this matter before the most honourable House of Peers, that we may have an opportunity to show that we have joined in the execution of all the matters required of us by the said Act, and likewise the reasons why, being upon our oaths, we could not agree to those paragraphs we excepted to. We are, &c. *Signed* Drogheda, Fr. Brewster, Ri. Levinge. *Dated* Dublin, 29 Nov. 1699. [On 13 Dec. the Lord Chancellor acquainted the House that he had received a letter from the Commissioners of Forfeitures in Ireland, which was read and agreed to lie on the Table. MS. Min. No entry in L. J. On 18 Dec. the Commissioners were ordered to lay before the House a statement of what they had done in Ireland, and on the 19th the Commissioners were called in and *Mr. Annesley*, one of them, delivered in nine books, and also a Report of the particular account of all the nine books and what the Commissioners have done there (*Annex (b)*). They withdrew. Then the Report from the Commissioners was read. MS. Min. L. J., XVI. 486, 487.]

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Annexed:—

No. 1471.

(a) 29 Dec. Memorial of the three Commissioners who signed preceding papers addressed to the other four, as follows:—

To Francis Annesley, John Trenchard, James Hamilton and Henry Langford, Esqs., Commissioners with us in the execution of so much of an Act of Parliament made in England as relates to the enquiry into the forfeited estates of Ireland.

The Memorial of Henry, Earl of Drogheda, Sir Francis Brewster, and Sir Richard Levinge, Knights.

Gentlemen,

We having jointly acted with you in the execution of the powers to us given by a late Act of Parliament made in England unto this present day, and having signed and sealed three books of outlawries, No. 1; three books of forfeitures, No. 2; and also three books of adjudications at the Council Board, No. 3; and three books of adjudications at the Court of Claims, No. 4; and three books of pardons and reversals, No. 5; and three books of grants, No. 6; and three books of incumbrances, No. 7; and three books of debts due to forfeiting persons not restored, No. 8; which we conceive contain the substance of the account required from us by the said Act, and our Secretary having drawn up the Report, by the immediate directions and privity of some of you, we have been present at the first and second reading thereof, and have delivered our sentiments concerning the several paragraphs thereof, which, in all, amount to 90, or thereabouts, after having done our utmost endeavour to satisfy you and ourselves and to come to a perfect agreement with you for the public good on the 28th day of this instant November, three parts or books of the said Report were prepared, read, and compared, and contain, amongst other things, the paragraph concerning the private estate of the late King James, which we had before affirmed in our opinions, was not any forfeited estate within the meaning of the said Act; and though the said paragraph was much altered from what it was on the 24th day of October last, or at any time after till the 23rd day of this instant November, at which time it appeared that mention is therein made of forfeited leases which are granted together with the said estate (though neither the continuance of such leases nor the value of them above the reserved rent nor other certainty of the said leases does appear to us). And we have declared and do declare, that whenever the aforesaid matter shall appear, we will join in the reporting of whatever is a forfeiture within the meaning of the said Act, whereupon you were told by Henry, Earl of Drogheda, that we could not give our assent to the last paragraph containing the said private estate, nor to paragraphs 8, 10, 25, 32, 66, 78, 79. But that we would agree to all the Report except the above mentioned paragraphs; which you gentlemen opposing, the said Earl did enter on one of the books or parts of the Report, addressed to the honourable the House of Commons, a writing to the effect following:—We agree to all the above Report except the 8, 10, 25, 32, 66, 78, 79th paragraphs, to which we cannot assent, for reasons which we will be ready to lay before your Honours when we shall be thereunto required. Which being written, we signed and sealed the same and prayed you to join with us therein, or to subscribe your names above the said writing, thereby

certifying your assent to all the paragraphs in the said Report. But you Gentlemen insisting on your majority of 4 to 3, and not only refused to sign the said book addressed to the House of Commons, but have taken the other books containing the said Report and addressed to his Majesty and the House of Peers from us, and will not suffer us to join with you in such manner as will, as we conceive, both answer the ends of the said Act and satisfy our minds in matters which we are to certify upon our oaths. And when you propounded to us to make a separate Report, which we thought no way convenient for the service, you yet were not willing to let us have copies, either of what we had agreed to or dissented from. We, therefore, pray you as well in consideration of the public trust reposed in us, as of preserving the good correspondence amongst us, that you will not be any hindrance to our writing and subscribing sealing on the other books, or parts of the Report addressed to his Majesty and the Lords Spiritual and Temporal, in such manner as we have done on the book addressed the honourable the House of Commons, we leaving you sufficient space above such writing of ours to subscribe and seal the whole Report, which if it be not done already, we will consent to make such alterations as to make that feasible. And we do insist, and, in virtue of the aforesaid Act of Parliament, pray and caution you that you do not obliterate, cancel, or otherwise deface what we have, as we believe, solemnly signed, sealed and declared as aforesaid, pursuant to the said Act, but that the same, without alteration, be laid before the honourable the House of Commons. And we do likewise make instance to you that we may be ordered, or not hindered from having, copies of the paragraphs we have agreed to, but more especially and speedily those to which we cannot agree, to the end we may not be hindered by you from laying before his Majesty and the two Houses of Parliament the reasons why we cannot give our assent to the said eight paragraphs. We also put you in mind of the several instances we have made to you of comparing at our Board the original depositions laid before us with the entry thereof in our book, and signing such book by us, after due comparing, which we think extremely necessary to be done, because the original depositions appear to be so much blotted and interlined and are thereby capable of great alterations, which may tend to the discredit of our proceedings. And lastly, we pray you, and insist that this our Memorial be kept ready to be produced among the papers and proceedings of our Commission. Given and delivered under our hands and seals this 29th day of November 1699. *Signed* Drogheda, Fran. Brewster, Ri. Levinge. *Endorsed* as received this day.

(b) 19 Dec. Documents delivered this day by the Commissioners for enquiring into the forfeited estates of Ireland, pursuant to Order of 18 Dec. L. J., XVI. 486, viz. :—

(b<sup>1</sup>) A Schedule of the Books delivered by them. L. J., XVI. 487. *In extenso*.

(b<sup>2</sup>) No. 1. The Book of Outlawries. It contains (1) a List of 57 persons, headed, *Separatæ personæ subsequenter utlagatæ fuere de alta prodicione in Angliâ, et recordum inde transmissum fuit ab Angliâ*. The List is as follows :—

Alexander McDonnell, Comes Antrim.  
 Willclmus Dungan, Comes Lymerick.  
 Sephan. Rice, Mil.

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Maurit. Eustace, de Castlemartin, Bart.  
Willelmus Talbot, Mil.  
Johannes Bellew, Dominus Duleek.  
Johannes Arthur, de Great Cabragh.  
Neale O'Neale, Mil.  
Henricus Lynch, Mil.  
Richardus Nagle, Mil.  
Gregor. Byrne, Bart.  
Richardus Fagan, de Felrim.  
Frane. Dorrington.  
Richardus Hamilton.  
Roger Strickland.  
Peirc., Dominus Vic. Galmoy.  
Jenic., Dominus Vic. Gormanstowne  
Niehus., Dominus Vic. Kingsland.  
Edwardus Harbert, Mil.  
Valent. Browne, Bart.  
Thom. Nugent.  
Willelmus Nugent.  
Jacob., Dux Berwick.  
Robertus, Dominus Hunston.  
Johannes, Comes Melfort.  
Alexander Fitton, Mil.  
Fran. Plowden.  
Willelmus Jennings, Mil.  
Patr. Trant, Mil.  
Johannes Trinder.  
Thom. Collins.  
Dominic. Sheldon.  
Willelmus Mansell Barker.  
Richardus, Comes Tyreonnell.  
Ludovic. Doe.  
Willelmus, Marchio de Powis.  
Tho., Dominus Howard.  
Henr. Bond.  
Henr., Dominus Dover.  
Buno Talbot.  
Robertus Parker.  
Tho. Trant, fil. Patr. Trant, Mil.  
Dudleus Bagnall.  
Johannes Sparrow, Mil.  
Robertus Fielding.  
Tho. Crosby.  
Willelmus Crosby.  
Walter Dungan.  
Baskervill Polewheile.  
Niehus. Brown.  
Tho. FitzGerald.  
Donnogh McGilly Cuddy, senr.  
Donnogh McCarthy, Comes Clancarthy.  
Tho. Hackett, Mil.  
Mich. Creagh, Mil.  
Jacob. Malone.  
Chrus. Jant.

(2) A List of the several persons who stand indicted and outlawed in the Court of King's Bench, Ireland, for high



treason by them severally committed against their Majesties King William and Queen Mary in the Kingdom of Ireland since their happy accession to the Crown (fols. 3 to 60). The Lists for the several counties contain the following :—

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## COUNTY OF MEATH.

*First List* (fol. 3).

Jenio [Preston], Vise. Gormanstown [Gormanston].  
 John, Baron Bellew of Duleek.  
 Randall [Plunkett], Baron Dunsany.  
 Matthias [Barnewall], Baron Trimlestown.  
 Christopher [Fleming], Baron Slane.  
 Sir Gerald Aylmer, Bart.  
 Sir Edward Tyrrell, Bart.  
 Sir Walter Blake, Bart., and 112 other persons.

*Second List* (fol. 5).

Richard [Talbot], Earl of Tyrconnell.  
 William [Dungan], Earl of Limerick, and 24 other persons.

*Third List* (fol. 6).

Jenic, Visc. Gormanstown.  
 John, Baron Bellew of Duleek.  
 Randall, Baron Dunsany.  
 Peter [Pierce Butler], Baron Dunboyne.  
 Sir William Talbot, Bart.  
 Sir John Nugent, Bart., and 51 other persons.

*Fourth List* (fol. 60).

1 name.

## COUNTY OF WESTMEATH.

*First List* (fol. 7).

Sir Edward Tyrrell, Bart., and 28 other persons.

*Second List* (fol. 8).

92 names.

*Third List* (fol. 10).

15 names.

*Fourth List* (fol. 11).

Thomas Nugent, *alias* Thomas, Earl of Westmeath.  
 William, Earl of Limerick.  
 Sir John Nugent, Bart.  
 Sir Ulick Burke, Bart., and 162 other persons.

## COUNTY OF DUBLIN.

*First List* (fol. 14).

Randall, Baron Dunsany.  
 Sir William Talbot, Bart.  
 Sir Luke Dowdall, Bart., and 45 other persons.

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*Second List* (fol. 31).

8 names.

*Third List* (fol. 55).

Richard, Earl of Tyrconnell.

William, Earl of Limerick, and 4 other persons.

*Fourth List* (fol. 55).

Richard, Earl of Tyrconnell.

William, Earl of Limerick, and 2 other persons.

## COUNTY OF THE CITY OF DUBLIN.

*First List* (fol. 15).

Richard, Earl of Tyrconnell.

William, Earl of Limerick.

Sir Bryan O'Neale, Bart.

Sir William Talbot, Bart.

Sir Patrick Trant, Bart., and 24 other persons.

*Second List* (fol. 15).

26 names.

*Third List* (fol. 16).

Richard, Earl of Tyrconnell.

William, Earl of Limerick, and 12 other persons.

*Fourth List* (fol. 16).

6 names.

*Fifth List* (fol. 16).

Randall, Baron Dunsany.

Matthias, Baron Trimlestown.

Sir Garrett Aylmer, Bart.

Sir John Everard, Bart., and 11 other persons.

*Sixth List* (fol. 17).

Ignatius White, called Marquis of Albeville.

Sir Patrick Trant, Bart., and 22 other persons.

*Seventh List* (fol. 17).

Daniel [O'Brien], Visc. Clare, and 21 other persons.

*Eighth List* (fol. 18).

Matthias, Baron Trimlestown.

Barnabas [Fitzpatrick], Baron of Upper Ossory.

Peter, Baron Dunboyne.

Theobald, Baron [Bourke of] Brittas, and 12 other persons.

*Ninth List* (fol. 18).

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Sir Ulick Bourke, Bart.  
 Sir Walter Blake, Bart.  
 Sir John Everard, Bart.  
 Sir John FitzGerald, Bart.  
 Sir William Hurley, Bart.  
 Sir Henry Bond, Bart., and 116 other persons.

*Tenth List* (fol. 20).

Richard, Earl of Tyrconnell.  
 William, Earl of Limerick.  
 Piers [Butler], Visc. Galmoye.  
 Claud [Hamilton], Earl of Abercorn and Baron Strabane.  
 Tho., Baron Dunsany.  
 Daniel, Visc. Clare.  
 Donnogh [McCarthy], Earl of Clancarty.  
 Sir Edward Tyrrell, Bart.  
 Sir Ulick Bourke, Bart.  
 Edward [Bermingham], Baron Athenry.  
 Rory [Maguire], Baron Inniskilling.\*  
 William, Baron Castleconnell [Bourke of Connell].  
 Jenic., Visc. Gormanstown.  
 Ulick [Bourke], Visc. Galway.  
 John, Baron Bellew of Duleek.  
 Christopher, Baron Slane.  
 Sir John FitzGerald, Bart.  
 Dominic., Visc. [Sarsfield of] Killmallock.  
 Sir Maurice Eustace, Bart.  
 William, Earl of Westmeath.  
 Sir Henry Lynch, Bart.  
 Sir Patrick Trant, Bart.  
 Sir William Talbot, Bart.  
 Bryan, Visc. [Magennis of] Iveagh, and 81 other persons.

*Eleventh List* (fol. 55).

7 names.

*Twelfth List* (fol. 58).

21 names.

*Thirteenth List* (fol. 58).

23 names.

*Fourteenth List* (fol. 59).

35 names.

*Fifteenth List* (fol. 60).

Franc., Countess of Tyrconnell,† and 6 other persons.

\* Probably the son or nephew of Connor Maguire, Lord Maguire, Baron of Enniskillen, who was hanged at Tyburn in 1644 for the prominent part he took in the Irish Rebellion of 1641, and whose peerage was forfeited. See *Complete Peerage*, edited by G. E. C.

† Frances, widow of Sir George Hamilton, Count Hamilton in France, and sister of Sarah, Duchess of Marlborough. Well known as "la belle Jennings" in the Court of Charles II. She married Tyrconnell in 1679.



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## COUNTY OF WICKLOW (fol. 23).

31 names.

## COUNTY OF THE TOWN OF DROGHEDA (fol. 23).

Jenic., Visc. Gormanstown, and 45 other persons.

## COUNTY OF LOUTH (fol. 24).

Richard, Earl of Tyrconnell.

John, Lord Bellew of Duleek.

Christopher, Baron Slane.

Andrew Matthews, commonly called Abbot of Meliphedil,  
and 95 other persons.

## COUNTY OF CARLOW (fol. 26).

68 names.

## COUNTY OF THE CITY OF KILKENNY.

*First List* (fol. 28).

64 names.

*Second List* (fol. 31).

Peirs, Visc. Galway [Galmoye?], and 26 other persons.

## COUNTY OF KILKENNY.

*First List* (fol. 29).

70 names.

*Second List* (fol. 30).

9 names.

## COUNTY OF KILDARE (fol. 32).

Richard, Earl of Tyrconnell.

William, Earl of Limerick.

Sir Patrick Trant, Bart.

Sir Maurice Eustace, Bart.

John, Baron [Bellew of] Duleek, and 94 other persons.

## COUNTY OF CORK.

*First List* (fol. 34).

Richard, Earl of Tyrconnell.

William, Earl of Limerick.

Donatius, Earl of Clancarty, and 184 other persons.

*Second List* (fol. 38).

74 names.

*Third List* (fol. 55).

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Richard, Earl of Tyrconnell.

William, Earl of Limerick, and 19 other persons.

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*Fourth List* (fol. 55).

Richard, Earl of Tyrconnell.

William, Earl of Limerick, and 13 other persons.

## COUNTY OF THE CITY OF CORK (fol. 39).

69 names.

## COUNTY OF WEXFORD.

*First List* (fol. 41).

Sir Garrett Aylmer, Bart.

Piers, Visc. Galmoye, and 141 other persons.

*Second List* (fol. 44).

Charles, Visc. Ballymore, and 14 other persons.

*Third List* (fol. 44).

11 names.

*Fourth List* (fol. 44).

2 names.

## COUNTY OF WATERFORD.

*First List* (fol. 44).

67 names.

*Second List* (fol. 56).

34 names.

## COUNTY OF ANTRIM (fol. 46).

Sir Neale O'Neale, Bart.

Sir James McDonnell, Bart., and 43 other persons.

## COUNTY OF DOWN.

*First List* (fol. 47).

58 names.

*Second List* (fol. 48).

Bryan, Visc. Iveagh, and 114 other persons.

## COUNTY OF FERMANAGH (fol. 51).

Rory, Baron Iniskillen, and 12 other persons.

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## COUNTY OF CAVAN (fol. 51).

No. 1471,

Richard, Earl of Westmeath.

Patr., Baron Dunsany, and 23 other persons.

## COUNTY OF TYRONE (fol. 52).

Cland, Earl of Abercorn and Baron Strabane, and 41 other persons.

## CITY AND COUNTY OF LONDONDERRY (fol. 53).

Cland, Earl of Abercorn and Baron Strabane.

Piers, Visc. Galmoye.

John, Baron Duleek.

Jenico, Visc. Gormanstown.

Sir Maurice Eustace, Knt., [Bart.].

Sir Garrett Aylmer, Knt., [Bart.], and 33 other persons.

## QUEEN'S COUNTY (fol. 54).

21 names.

## COUNTY OF THE CITY OF WATERFORD.

*First List* (fol. 56).

Richard, Earl of Tyrconnell.

William, Earl of Limerick, and 8 other persons.

*Second List* (fol. 57).

2 names.

## COUNTY OF ARMAGH (fol. 57).

36 names.

## COUNTY OF KERRY (fol. 60).

3 names.

- (3) A List of the several persons who stand outlawed for treason by them severally committed in parts beyond the seas against her [his] Majesty and her late Majesty since their accession to the Crown (fols. 61 to 95). The Lists for the several counties contain the following:—

## COUNTY OF THE CITY OF DUBLIN (fol. 61).

11 names.

## COUNTY OF DUBLIN (fol. 61).

Lady Ellen Trant, relict of Sir Patrick Trant, Bart., formerly Ellinor Nagle, and his three sons, Richard, Lawrence, and Charles Trant.

Lady Mary Euphem. Dungan, wife of William, Earl of Limerick.

Lady Honor. Sarsfield, wife of Patrick Sarsfield, Esq., and 6 other persons.



## COUNTY OF CORK (fol. 62).

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Donat., Earl of Clancarty and 193 other persons.

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## COUNTY OF THE CITY OF CORK (fol. 67).

31 names.

## COUNTY OF THE TOWN OF GALWAY (fol. 67).

36 names.

## COUNTY OF GALWAY (fol. 68).

James, Duke of Berwick.

Honor. Bourk,\* *alias* Sarsfield, Duchess of Berwick, his wife.

Hiasunt Nugent, Esq., son and heir of Thomas Nugent, Esq., commonly called Baron Riverstowne.

Sir Henry Lynch, Bart.

Christopher Cheevers, Esq., commonly called Lord Mountleinster.

Dominick Bourke, commonly called Bishop of Elphin.

James Lynch, commonly called Archbishop of Tuam, and 85 other persons.

## COUNTY OF KERRY (fol. 71).

Sir Patrick Trant, Knt., [Bart.].

Charles O'Brien, Visc. Clare, and 22 other persons.

## COUNTY OF THE CITY OF WATERFORD (fol. 71).

16 names.

## COUNTY OF LIMERICK (fol. 72).

Theobald, Baron Brittas, and 27 other persons.

## COUNTY OF WATERFORD (fol. 72).

35 names.

## COUNTY OF CLARE (fol. 73).

John Mullony, Titular Bishop of Laon.

Philadelphia, Viscountess Dowager of Clare.

Charles O'Brien, Esq., commonly called Viscount Clare, and 36 other persons.

## COUNTY OF WESTMEATH (fol. 74).

Sir Edward Tyrrell, Bart., deceased.

Sir John Nugent, Bart., and 92 other persons.

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\* Honora de Burgh, daughter of William, Earl of Clanricarde. She married first Patrick Sarsfield, who was created Earl of Lucan by James II. in Jan. 1690-91. He was killed at the battle of Landen in 1693. Two years afterwards she married the Duke of Berwick.

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## COUNTY OF LONGFORD (fol. 77).

Sir Christopher Browne, Bart., and 18 other persons.

## COUNTY OF ROSCOMMON (fol. 78).

Sir John Nugent, Bart.

Dominick Bourke, Titular Bishop of Elphin, and 53 other persons.

## COUNTY OF LEITRIM (fol. 80).

43 names.

## COUNTY OF SLIGO (fol. 81).

73 names.

## COUNTY OF MAYO (fol. 83).

Dudley Forbisy, commonly called Prior of Ordnaree Abbey, and 82 other persons.

## COUNTY OF TYRONE (fol. 85).

41 names.

## COUNTY OF DOWN (fol. 86).

13 names.

## COUNTY OF ARMAGH (fol. 86).

9 names.

## COUNTY OF LOUTH (fol. 87).

Dominick Maguire, commonly called Titular Primate of Armagh, and 20 other persons.

## KING'S COUNTY (fol. 87).

13 names.

## QUEEN'S COUNTY (fol. 87).

35 names.

## COUNTY OF CARLOW (fol. 88).

4 names.

## COUNTY OF KILKENNY (fol. 88).

Piers, Visc. Galmoye, and 20 other persons.

## COUNTY OF WEXFORD (fol. 89.)

Christopher Cheevers, formerly called Lord Mount [Mount-Leinster], and 42 other persons.

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## COUNTY OF CAVAN (fol. 90).

Christopher, Baron Slane, and 22 other persons.

## COUNTY OF FERMANAGH (fol. 91).

Coochonoght *alias* Dominick Magnire, commonly called  
Titular [Primate] of Ireland.

Roger [Rory], Baron Iniskillen, and 8 other persons.

## COUNTY OF DONEGAL (fol. 91).

41 names.

## COUNTY OF WICKLOW (fol. 92).

22 names.

## COUNTY OF THE TOWN OF DROGHEDA (fol. 93).

19 names.

## COUNTY OF ANTRIM (fol. 93).

Sir Daniel O'Neile, Bart., and 16 other persons.

## COUNTY OF MONAGHAN (fol. 93).

9 names.

## CITY AND COUNTY OF LONDONDERRY (fol. 94).

23 names.

## COUNTY OF KILDARE (fol. 94).

14 names.

Total given as 3,921. *Signed and sealed* by the seven Commissioners, viz., Drogheda, Fra. Annesley, John Trenchard, James Hamilton, Hen. Langford, Ri. Levinge, Fr. Brewster.

(b<sup>3</sup>) No. 2. A Book of Forfeitures. It contains the names of persons forfeiting by the late rebellion in Ireland, with the number of profitable acres, the values thereof, and within what county and barony they respectively lie, together with the gross values thereof. The left hand pages contain the persons not restored, the right those restored. At the end of the Book are :—

I.—An Abstract of the number of profitable acres contained in the Book, and the present yearly values of the same, by counties, giving the following totals for the whole Country :—

Persons not Restored.		Persons Restored.				Total.	
		By Favour.		By Articles.			
No. of Acres.	Value per Annum.	No. of Acres.	Value per Annum.	No. of Acres.	Value per Annum.	No. of Acres.	Value per Annum.
	£ s. d.		£ s. d.		£ s. d.		£ s. d.
752,951	135,793 11 6	74,733-3	20,066 8 3	233,106	55,763 6 6	1,060,792	211,623 6 3



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II.—An Abstract of the present full value of the several forfeited lands contained in the Book, by counties, giving the following totals for the whole:—

Persons not Restored.	Persons Restored.		Total.
	By Favour.	By Articles.	
£   s.   d.	£   s.   d.	£   s.   d.	£   s.   d.
1,699,348 14 0	260,868 7 3	724,923 4 6	2,685,130 5 9

*Signed and sealed* by the seven Commissioners.

(b<sup>4</sup>) No. 3. Adjudications of the Council Board. This is an alphabetical list of the claimants' names, their places of abode and in what county, whether under Articles of Limerick or Galway, and the nature and date of the adjudication. The total is given as 491. *Signed and sealed* by the seven Commissioners. *Certified* Wm. Palmer, Dep. Cler. Com. Priv., per F. H.

(b<sup>5</sup>) No. 4. Adjudications of the Court of Claims. It is a list similar to preceding in arrangement. The total of adjudications is given as 792. *Signed and sealed* by the seven Commissioners.

(b<sup>6</sup>) No. 5. A Book of Pardons and Reversals of Outlawries by favour. It consists of:—

I.—An Account of the several Pardons for treasons which passed the Great Seal of Ireland since the victory at the Boyne, 1690.

			The considerations appearing by their Majesties' letters, reports and evidence produced to us.
(1) 28 July 1692.	A Pardon to Edmund Malone, Esq., of all treasons, &c.	By the King's favour, being outlawed after his submission to their Majesties' Government when he was in England, and never in any military employment.	
(2) 6 Sept. 1692.	A Pardon to Robert Long- field of all treasons, &c.	By the King's favour, without any merit appearing.	
(3) 9 Sept. 1692.	A Pardon to Ignatius Purell, Esq., of all treasons.	By the King's favour.	
(4) 20 Oct. 1692.	A Pardon to George Crofts, Esq.	A Protestant, and by the King's favour, but never indicted.	
(5) 6 July 1693.	A Pardon to Thomas Brown and John Brown, Esqs.	They were never indicted, because they lived quietly, and never in any employment, but obtained their Majesties' pardon for their greater security.	
(6) 25 Sept. 1693.	A Pardon to Harvey Morris, Esq.	Obtained upon the Queen's letter without any report, by interest of Mrs. Margaret Uniack for 100 <i>l.</i> to her paid, and by the interest of the Earl of Romney.	
(7) 12 Oct. 1693.	A Pardon to Sir John Morris.	Obtained upon the Queen's letter without any report, by Mrs. Margaret Uniack with the Earl of Romney's interest, for 300 <i>l.</i> to her paid and 200 <i>l.</i> more to Rd. Uniack, Esq., uncle of the said Margaret.	

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			The considerations appearing by their Majesties' letters, reports and evidence produced to us.
(8) 3 Nov. 1693.	A Pardon to John Bellew, Esq.	Was outlawed by his own consent to prevent the enemy having any suspicion of the services he was then doing for their Majesties in the enemy's quarters, and pardoned pursuant to a previous promise made him by the Government.	
(9) 12 Aug. 1694.	A Pardon to Charles White, Esq.	By the King's favour; obtained from his Majesty [by] the interposition of his Imperial Majesty.	
(10) 13 Aug. 1694.	A Pardon to Thomas Cowdall.	By the King's favour on his early submission to their Majesties' Government and services done their Majesties.	
(11) 13 Jan. 1694.	A Pardon to John Kerdiff, Gent.	He always behaved himself with great affection to the Protestants, and submitted to their Majesties' Government before the 10th day of April, 1689. However [he] obtained the said pardon by the interest of Mrs. Margaret Uniaek with the Earl of Romney; and she had for the same 200 <i>l.</i> sterling.	
(12) 3 May 1695.	A Pardon to John King, brother to the late Lord Kingston.	By his Majesty's favour.	
(13) 9 May 1695.	A Pardon to Thady Fitz-Patriek, Esq.	By his Majesty's favour; having no real estate nor was in any military employment.	
(14) 13 June 1695.	A Pardon to Robert Porter, Esq.	He behaved himself well and was entitled to his Majesty's pardon, by submitting himself on their Majesties' declaration in July 1690; not appearing to have any real estate, and for more caution, gave recognizance to convey to their Majesties all his estate real and leases, in case he should have any.	
(15) 16 June 1695.	A Pardon to Edmund Roch, Gent.	Was outlawed for foreign treason, though never out of the Kingdom; but agreed with Mr. Richd. Darling, the Earl of Romney's agent, for 500 <i>l.</i> , for obtaining his pardon by the said Earl's interest; which sum was paid to the said Mr. Darling soon after the said pardon obtained, which Mr. Darling told him was for his Lordship's use.	
(16) 27 July 1695.	A Pardon to Capt. Richard Martin.	By the King's favour.	
(17) 1 Aug. 1695.	A Pardon to John Malone, Esq.	By the King's favour.	
(18) 1 Aug. 1695.	A Pardon to John Galway, Esq.	By his Majesty's favour.	
(19) 12 June 1696.	A Pardon to Oliver Grace, Gent.	By his Majesty's favour.	
(20) 26 June 1696.	A Pardon to John Hussey, Esq.	By his Majesty's favour, and had no employment.	
(21) 15 April 1697.	A Pardon to Richard Bellew, Esq., commonly called Lord Dulceek.	Because within the Articles of Limerick, but before he could obtain the same he released to the Lord Raby 1,000 <i>l.</i> principal money, and 700 <i>l.</i> or 800 <i>l.</i> interest due by statute staple from Sir William Wentworth, father to the said Lord Raby, to the said Lord Bellew's father; and also released to the Earl of Romney about 3,000 <i>l.</i> mesne profits.	

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			The considerations appearing by their Majesties' letters, reports and evidence produced to us.
(22) 2 July 1697.	A Pardon to James, Earl of Tyrone.	That he was forced by the severity of his father to continue in the city of Waterford during the siege. That upon the surrender thereof he left his father and his regiment when they went to Cork and submitted himself to his Majesty, who, over and above the Articles granted to Waterford, promised him his gracious pardon, he having always behaved himself with great tenderness and affection to the Protestants, himself being one and educated in that religion.	
(23) 24 May 1698.	A Pardon to Thomas Nugent, of Sheanstown, Con. West Meath.		
(24) 3 June 1698.	A Pardon to Dennis Daly, Esq.	Adjudged within the Articles of Galway, by which Articles those thereby provided for are to have a general pardon for all crimes committed from the beginning of King James's reign to the date thereof, and that by a promise under the hand of General Ginckle, dated the 26th July 1691, at his Majesty's camp near Galway, he was to enjoy his estate to him and his heirs free from all forfeitures, as the Protestants of Ireland enjoyed theirs.	
(25) 3 June 1698.	A Pardon to Francis Foster, Esq.	On his bringing in part of his troop to Col. Hen. Cunningham, pursuant to their Majesties' proclamation of the 7th of July, 1691, whereby all persons are freely and absolutely pardoned all treasons, &c., if they submitted within three weeks after the date thereof to their Majesties' obedience, and brought with them their troops or companies, or a considerable part thereof.	
(26) 8 Sept. 1698.	A Pardon to Francis Blake and Martin Blake.	By his Majesty's favour.	
(27) 8 Sept. 1698.	A Pardon to John Brown	By his Majesty's favour, he behaving himself with tenderness to the Protestants.	
(28) 6 October 1698.	A Pardon to Patrick French, Esq.	By his being instrumental in the surrender of Galway to their Majesties.	

## II.—An Account of those persons that have reversed their outlawries by Special Warrant.

(1) 20 April 1692.	Charles, Lord Baltimore, of Cloghamon, in the county of Wexford.	By his Majesty's letter.	Because never in rebellion, nor for many years so much as in Ireland.
(2) 20 April 1692.	Matthew Bellew, of Rogerstown, Gent., in the county of Meath.	Ditto	Because not in the Kingdom during the war.
(3) 24 April 1692.	Luean, Lord Fingal de Virginia, in the county of Cavan.	Ditto	Because dead many years before the Rebellion, and his son Peter, Earl of Fingal, a minor, and never in Ireland.
(4) 3 May 1691	Thomas Uniack, of Youghal, Alderman, in the county of Cork.	Ditto	By her Majesty's favour.
(5) May 1692	Almarick, Lord Baron of Kinsale, in the county of Cork.	By order of the Lords Justices.	By his Majesty's favour.



II.—An Account of those persons that have reversed their outlawries by Special Warrant—*continued*.

1699.

No. 1471.

(6) 28 May 1692	Edmund Malone, of Cartrons, Esq., in the county of West Meath.	By order of the Lords Justices.	For the same reasons mentioned in his pardon, <i>antea</i> .
(7) 13 June 1692.	James Barry, of Rathcormuck, Esq., in the county of Cork.	By his Majesty's letter.	A Protestant, in England at the time of his outlawry; and outlawed by mistake.
(8) 31 ( <i>sic</i> ) June 1692.	Ignatius Purcell, of Cromlyn, Esq., in the county of Dublin.	By her Majesty's letter.	For the same reasons mentioned in his pardon, <i>antea</i> .
(9) 8 Nov. 1692	Richard, Lord Tyrone, of Curraghmore, in the county of Waterford.	By his Majesty's letter.	By his Majesty's favour, and to preserve the honour to his son John, the late Earl of Tyrone, who was always bred a Protestant, zealous for their Majesties' Government and service and for the Protestant interest.
(10) 25 Nov. 1692.	Nicholas, Lord Viscount Netterville, of Douth, in the county of Meath.	By their Majesties' letter.	Because outlawed after his death and an estate settled on his children,
(11) 20 Dec 1692.	David Crosby, of Ardford, Esq., in the county of Kerry.	By his Majesty's letter.	Was outlawed by mistake for his brother William.
(12) 19 Jan. 1692.	Theobald, Lord Baron of Cahir.	Ditto	By their Majesties' favour.
(13) 26 May 1693.	John Bellew, of Barmeth, Esq., in the county of Louth,	Ditto	For the same reason mentioned for obtaining his pardon, <i>antea</i> .
(14) 24 May 1693.	Charles Throgmorton, of Crinictown, in the county of Louth.	Ditto	By her Majesty's favour on her letter, but no report nor any reasons mentioned in the said letter.
(15) 16 June 1693.	Richard Talbot, of Malahide, Esq., in the county of Dublin.	Ditto	By their Majesties' favour, for having no other employ but that of Auditor-General.
(16) 17 June 1693.	John Galway, of the city of Cork and county of Cork, Esq.	Ditto	For the same reasons as in his pardon, <i>antea</i> .
(17) 1 July 1693.	John Hussey, of Kilmullin, Esq., in the county of Meath.	Ditto	By his Majesty's favour, he having had no employment.
(18) 1 July 1693.	Matthew Hore, of Shandon, in the county of Waterford, Gent.	Ditto	By their Majesties' favour, he being aged and bedrid, and only tenant for life.
(19) 16 Nov. 1693.	John Malone, of Cartrons, Gent., in the county of West Meath.	Ditto	Because he behaved himself with great tenderness to the Protestants,
(20) 9 Feb. 1693.	Manns Shee, of Waseshays, Esq., in the county of Kilkenny.	By order of the Lords Justices.	His outlawry reversed by his son Richard, who was adjudged within the Articles of Limerick, the estate being settled on him.
(21) 20 June 1694.	Theobald, Lord Viscount Dillon, of Costello, in the county of Mayo.	By his Majesty's letter.	Because within the Articles of Limerick.

1699.

No. 1471.

II.—An Account of those persons that have reversed their outlawries by Special Warrant—*continued.*

(22) 26 June 1694.	Sir Valentine Brown, of Westpalstown, in the county of Dublin.	By his Majesty's letter.	Because outlawed after his death.
(23) 8 Nov. 1694.	William Weldon, of Raffin, Gent., in the county of Meath.	By order of the Lords Justices.	By his Majesty's favour.
(24) 11 Nov. 1694.	Nicholas FitzGerald, of Waterford, in the county of Waterford, Gent.	Ditto -	By his Majesty's favour, he having no visible real estate; however, for greater caution, entered into recognizance to convey any real estate that he might have.
(25) 22 Nov. 1694.	John Kerdiff, of Flemmingstown, in the county of Meath, Gent.	By his Majesty's letter.	For the same reasons mentioned for his pardon, <i>antea</i> .
(26) 11 Apl. 1695.	John King, of Boyle, Esq., in the county of Roscommon.	By order of the Lords Justices.	By his Majesty's favour.
(27) 24 May 1695.	Robert Porter, of Kildare, Esq., in the county of Kildare.	By his Majesty's letter.	For the same reasons mentioned for his pardon, <i>antea</i> .
(28) 8 June 1695.	Edmund Roch, of Duidarrow, Esq., in the county of Cork.	Ditto -	Ditto.
(29) 30 March 1697.	Richard Bellew, of Castle Town, now Lord Bellew.	Ditto -	Ditto.
(30) 3 June 1698.	Barnaby, Lord of Upper Ossory, in the Queen's County.	Ditto -	By his Majesty's favour.
(31) 30 May 1698.	Nicholas French, of Abbert, Gent.	Ditto -	Because obtained by surprise, and misinformation.
(32) 12 July 1698.	Patriek Sarsfield, of Lucan, in the county of Kildare.	Ditto -	By his Majesty's favour.
(33) 23 Nov. 1698.	Henry Crofton, of Sligo, Gent., in the county of Sligo.	Ditto -	Ditto.
(34) 25 Nov. 1698.	Edmund, Lord Baron of Athenrhee [Athenry], in the county of Galway.	By order of the Lords Justices.	Ditto.
(35) 28 Nov. 1698.	John Kelly, of Roscommon, Esq., in the county of Roscommon.	By his Majesty's letter.	Ditto.
(36) Undated -	Robert Fielding, Esq., a Colonel.	Ditto -	Ditto.
(37) Undated -	John, Lord Baron of Duleek, (defunct).	Ditto -	Ditto.

*Signed and sealed by the seven Commissioners.*

(b<sup>7</sup>) No. 6. A Book of Grants. A Book containing the number of grants and custodians now in being, with the dates and considerations, in all 76. This is a Tabular Statement, containing the following columns (1) Number, (2) Dates of the grants, (3) Names of the grantees, (4) What granted, (5) Counties wherein the grants lie, (6) Nature of the grants,

(7) Number of acres, and (8) Considerations. Columns (1),  
(3), (6), (7) and (8) are as follows:—

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No. 1471.

No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.			Considerations.
			A.	R.	P.	
1	Henry, Lord Viscount Sydney.	—	—	—	—	The consideration of services done.
2	Ditto -	In fee -	36,462	2	4	Ditto.
3	Ditto for reprisals.	Ditto -	13,055	3	30	Ditto.
4	Goddart [Godert], Earl of Athlone.	Ditto -	15,662	2	20	Services done in the reduction of Ireland.
5	Ditto -	Ditto -	10,818	0	16	Ditto.
6	Earl of Abercorn.	Ditto -	—	—	—	That he was a Protestant, and was bound for his brother or near the value of the estate granted.
7	Charles Deering, Esq.	Ditto -	—	—	—	For his care in keeping the Records.
8	John Forster, in trust for the Earl of Drogheda.	Part in fee, part in years.	16	0	0	In consideration of a debt of 440 <i>l.</i> due by a statute staple from Ignatius and Christopher Peppard to the Rt. Honble. the Earl of Drogheda, which is more in value than the estate granted.
9	James Corry, Esq.	Benefit of the mortgage.	—	—	—	The considerations mentioned in his grant are, his house being burnt and his having furnished the garrison of Enniskillen with provisions and materials to the value of 3,000 <i>l.</i> at his own expense. But enquiring into the merits of this gentleman, it appeared to us that he gave no assistance to the men of Enniskillen, and that in the town of Enniskillen he publicly declared he hoped to see all those hanged that took up arms for the Prince of Orange, and his house was burnt by the said garrison.
10	Ditto -	In fee -	1,725	0	0	
11	Sir Thomas Domvill.	Ditto -	400	0	0	In consideration of Sir Thomas Domvill's extraordinary services and charges in his office of the Clerk of the Crown and Hanaper in the Kingdom of Ireland, without fee or reward, and in further consideration of a mortgage of 2,000 <i>l.</i> , with arrears of 1,100 <i>l.</i> interest.
12	Ditto -	Ditto -	1,064	0	0	Ditto.
13	Archbishop of Dublin.	Ditto -	491	2	0	For making up the revenue of the Archbishopric of Dublin 2,000 <i>l.</i> per annum.
14	Randolph Kien, Esq.	Ditto -	1,542	3	38	In consideration of many faithful services by him performed.
15	Countess Dowager of Drogheda.	King's right.	—	—	—	Her losses in the war, and in truth the whole she has, or is likely to receive above charges is but 122 <i>l.</i> 3 <i>s.</i> 1 <i>d.</i>
16	John Baker.	In fee -	1,647	0	0	The great and memorable services his father, Col. Henry Baker, performed in the defence of the city of Londonderry.



1699.  
—  
No. 1471.

No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.			Considerations.
			A.	R.	P.	
17	Bishop of Limerick, for the repair of the churches.	King's right.	795	0	0	For repairing the churches in Limerick which were damaged by the siege.
18	James Roch.	In fee -	1,321	0	0	In consideration of services done in relieving the city of Londonderry.
19	Sir William Ashurst.	Said debts	—	—	—	For satisfaction of a debt due to him of 1,218 <i>l.</i> 0 <i>s.</i> 6 <i>d.</i> from Richard and Andrew Dalton with costs and charges, and only till that debt is paid off.
20	Nehemiah Donegan, Esq.	Sixty-one years.	—	—	—	In consideration of a debt of 900 <i>l.</i> and to encourage him to improve on the premises.
21	Sir Michael Mitchell.	—	3,241	0	0	The benefit of a mortgage of 800 <i>l.</i> forfeited by Terence Dermott, and also an annuity of 200 <i>l.</i> forfeited by Oliver Eustace; to be held during the life of the said Oliver, in consideration of his services.
22	Henry, Earl of Galway.	In fee -	36,148	2	36	In consideration of the many good and faithful services by him performed.
23	Thomas Keightly, Esq.	For 99 years.	7,793	1	23	As a portion or provision for Catherine Keightly, the daughter and only child of the said Thomas, and as a further recompense of his services and losses in the late troubles of Ireland.
24	Ditto for reprisals.	Ditto -	4,583	3	20	Ditto.
25	The Earl of Bellamont.	1,000 years	77,290	3	23	Many good services by him performed.
26	Tho., Lord Coningsby.	Ditto -	5,966	3	32	Ditto.
27	Walter Delamar.	21 years -	4,142	0	0	In consideration of a debt of 719 <i>l.</i> due to him.
28	Henry Lutterell, Esq., or to Walter Delamar in trust for him.	In fee -	433	1	7	The good services by him done in the surrender of Limerick, pursuant to the Lord Athlone's promise.
29	Charles Campbell, in trust for Hannah McDonnell.	—	—	—	—	As a recompense for the said Hannah McDonnell having discovered the King's title to the estate of her husband, Randal McDonnell.
30	Arthur Podmore and Joshua Dawson.	99 years -	1,212	0	7	In consideration of their being in the office of first Secretary to the Chief Governors of Ireland, and that they have been at great trouble and pains in transacting matters relating to the army without receiving any reward or fees for the same.
31	Ditto -	Ditto -	30	0	0	A reprisal, the former grant not amounting to the sum of 200 <i>l.</i> per annum,
32	Edward FitzPatrick and Richard FitzPatrick, Esqs.	King's right	2,431	0	28	In consideration that the said lands were held from the said FitzPatrick's kinsman, in whom the reversion is and was to return to the family at the death of the proprietor.

1699.

No. 1471.

No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.			Considerations.
			A.	R.	P.	
33	Tho. Railton, Esq. Debts amounting to 10,288 <i>l.</i> 8 <i>s.</i> 10 <i>d.</i>	King's right.	—			In consideration of the many good and faithful services by him performed.
34	Nehemiah Donellan, Esq., a Discoverer.	For ever -	804	3	0	In consideration of a fourth part of several estates by him discovered to be forfeited, and the King's title thereunto by him and John Usher in trust for him made out. He claims the benefit of this grant as Discoverer, when he was at that time in the actual service of his Majesty as his Prime Serjeant, and sat as a Commissioner on the Inquisition for finding and making out the King's title to that part of his grant as lies within the county of Galway.
35	Alex. Steuart.	In fee -	5,347	2	0	In consideration that he being storckeeper and master of the train of artillery in Ireland in the year 1688, and of his loss of 400 <i>l.</i> due to him, for which he had Exchequer acquittances directed to the Collector of Londonderry; the said Collector pretending he supplied the garrison of Londonderry with what money he had, and so could not pay it.
36	Earl of Albemarle.	Ditto -	13,534	3	16	In consideration of many good and faithful services by him performed.
37	Ditto, for reprisals.	Ditto -	95,099	0	31	In consideration of services.
38	Lord Montjoy.	21 years -	11,070	1	1	In consideration of his losses, services, and sufferings.
39	Earl Rochfort.	In fee -	8,782	1	32	In consideration of his many good and acceptable services by him performed.
40	Ditto, Earl, for reprisals.	Ditto -	31,089	0	39	Ditto.
41	William Wolsley, Esq.	21 years at that Qt. Rts.	8,796	2	26	In consideration of his many great services performed,
42	Mordecai Abbott, Esq.	In fee -	5,114	1	12	Many good and faithful services performed.
43	William Bentinck, Esq., commonly called Lord Woodstock.	Ditto -	135,820	2	27	No consideration mentioned in the Letters Patent.
44	In trust for Sir Charles Porter's children.	Ditto -	3,558	2	34	In consideration of many good and faithful services performed by him in his lifetime, and also in compassion of his children that were left destitute after the death of their father, Sir Charles Porter.
45	Nathaniel Spencer	Ditto -	395	0	0	His services and sufferings in the late troubles.
46	Thomas Pendergast, Esq., now Sir Thomas Pendergast.	Ditto -	4,488	0	0	The many good and acceptable services to his Majesty performed, particularly in discovering a most barbarous and bloody conspiracy to assassinate the King's most excellent Majesty, to destroy the liberties of England, and in consequence the Protestant Religion throughout Europe.
47	Ditto for reprisals.	Ditto -	2,594	2	33	Ditto.

1699.  
—  
No. 1471.

No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.			Considerations.
			A.	R.	P.	
48	Maurice Anesly, Esq.	In fee -	—	—	—	In consideration of many good and acceptable services by him performed, and of his great sufferings and losses in the late troubles, particularly in a wood of 30,000 oak trees that were cut down and destroyed by his Majesty's camp at Dundalk; and in his diligence and industry in persecuting the "Raparees" in this county, that thereby he did reduce that part of the country where he lives into perfect obedience and still does continue very useful to his country.
49	Sir Edwd. Byron.	99 years -	1,216	0	0	In consideration of many good and acceptable services by him performed.
50	Marki de Pnyssar.	In fee -	25,753	1	0	Many good and faithful services performed.
51	Ditto, for reprisals.	Ditto -	4,759	2	21	Ditto.
52	Doctor John Lesly.	For life of the grantee.	16,077	0	35	His early services in the war of Ireland; his great expense in raising and arming considerable numbers of men and fighting at the head of them in several engagements.
53	Sir Richard Bilingham.	King's right.	—	—	—	No consideration mentioned in the Letters Patent.
54	Heetor Vaughan, a Discoverer.	In fee -	685	3	20	In consideration of his fourth part, as being a Discoverer.
55	Gustavus Hamilton, Esq.	Ditto -	5,382	1	27	His great and early services in the war of Ireland; his wading the Shannon and storming the town of Athlone at the head of the English grenadiers. 1900 acres are in the grant; but no part of the forfeitures, the estate of Mr. Coglane put into the grant only to get possession to secure a debt due to Col. Gustavus Hamilton.
			1,900	0	0	
			3,482	1	27	
56	Robt. Aleway, Eneas Dayly and John Cusack, Discoverers.	Ditto -	1,248	0	0	In consideration of their fourth part of lands by them discovered.
57	Danl. McVaugh, a Discoverer.	Ditto -	136	2	30	In consideration of the fourth part of lands discovered by him.
58	Wilim. Taylor, a Discoverer.	Ditto -	353	0	0	Ditto.
59	John Ellis, Esq. -	—	423	1	25	In consideration that Sir Wm. Ellis in 1688 became indebted unto John Ellis in the sum of 1,200 <i>l.</i> with interest amounts to 2,400 <i>l.</i> ; and prays his Majesty's title, that he paying the incumbrances, may recover his said debt for his many and acceptable services performed.



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No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.	Considerations.
60	Major - General Steuart.	In fee -	A. R. P. 6,743 0 4	In consideration of services performed, and his being early in his Majesty's service in the late trouble.
61	Tho. Cooke, merchant.	King's right.	2,565 2 28	No consideration mentioned in the Letters Patent.
62	Lady O'Neile, and Daughters.	41 years -	7,318 1 16	In consideration of her jointure and her daughters' portions.
63	Francis De La Rue, Esq.	In fee -	3,966 0 24	In consideration of good and acceptable services by him performed to his Majesty, particularly in discovering a most barbarous and bloody conspiracy to assassinate the King's most excellent Majesty, to destroy the liberties of England and in consequence the Protestant Religion throughout Europe.
64	Lady Gravemore.	—	21,006 1 0	In consideration of the manifold and long services of her husband, Lieut.-Gen. Gravemore.
65	Christopher Wray.	During the life of Drury Wray, at 6d. Quit Rent.	—	That he was a Protestant and in the service of his Majesty all the wars, and his father, Sir Drury Wray only tenant for life.
66	Col. Tho. St. John.	For 3 years at 255 <i>l</i> . 14 <i>s</i> . per ann. Quit Rent.	—	In consideration of services by him performed.
67	Thomas Wade.	Remainder of the lease, being 5 years at 10 <i>l</i> . per annum, besides the Ground Landlord's Rent.	—	For services by him performed.
68	William Todd, for the use of the Corporation of Tailors.	For 25 years at 1 <i>l</i> . 3 <i>s</i> . per annum, and besides the rent to the Corporation of Tailors.	—	No consideration mentioned in the Letters Patent.
69	Cha. Deering, Esq., expired, and afterwards in grant as appears in this book, No. 74.	A custody for two years at the Quit Rent. Renewed for seven years more from Lady Day 1698 at the Quit Rent.	—	In consideration of the said Cha. Deering's petition and a report to the Commissioners of the Treasury in England, he being Auditor-General of Ireland.
70	Randolph Kein, Esq., a release of.	—	—	In consideration of many faithful services by him performed,

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No.	Names of the Grantees.	Nature of the Grants.	Number of Acres.	Considerations.
71	Kath. Harris.	By custod. for her life.	A. R. P. —	The consideration was the blood of her husband, who was pretended to be killed by the Lord Clancarty and his troopers; whereas, in truth, she compounded with the Lord Clancarty for the blood of her husband, and received of his Lordship 100 <i>l.</i> in full satisfaction thereof, for which she gave her release under hand and seal to the Lord Clancarty.
72	John Stowell, to the use of George Treswell Fanshaw, Eliz. Plowden, and Ursulla Grimstone.	During pleasure by custod.	—	No consideration mentioned in the Letters Patent.
73	Ellinor Brown, widow.	By custod. for 21 years.	—	For services performed in the late troubles of Ireland by her husband in his life time.
74	Chas. Deering, Esq.	By ditto for 9 years.	3,150 0 0	As in Number 69.
75	Bryan Murtoigh.	By ditto for 21 years.	—	In consideration of services done by him.
76	John French and others, to the use of Lord Bophin.	By ditto during pleasure, at 5 <i>s.</i> per annum.	—	For services by him done.
Total No. of Acres in this book			656,807 2 0	

*Signed and sealed* by the seven Commissioners.

(b<sup>8</sup>) No. 7. A Book of Incumbrances. It is a Tabular Statement in the following columns: (1) Forfeiting persons, not restored; (2) County and Barony; (3) Denominations; (4) Incumbrances; (5) Debts paid or near paid; (6) What; (7) To whom; and (8) Observations.

The totals given at the end are:—

Total Incumbrances, 185,881*l.* 5*s.*; Where it is paid or near paid, 239,441*l.* 9*s.* 6*d.*; Remain, 161,936*l.* 15*l.* 6*d.*\* *Signed and sealed* by the seven Commissioners.

(b<sup>9</sup>) No. 8. A Book of debts due to forfeiting persons not restored. An Account of what moneys appear to be due (to persons outlawed for the late rebellion in Ireland since the 13th day of February 1688 and not restored) by Judgment and Statute; together with a few mortgages, and from whom such debts are owing. It is a Tabular Statement of Judgment debts in the following columns: (1) Creditors' names; (2) Term; (3) Year; (4) Debt; (5) Costs. The first column gives, alphabetically, the creditors' names *versus* the debtor in each case.

\* The figures in the various columns referred to have been added up incorrectly. The totals altogether amount to 191,324*l.* 3*s.* 6*d.*, out of which the "debts paid or near paid" come to 25,817*l.* 10*s.* The sum still owing is 165,506*l.* 13*s.* 6*d.*

II. A Table of Statutes in the following columns: (1) Dates of the Statutes; (2) Creditors' names; (3) Sums of money. The second column gives the debtors' names in the same manner as the first column of the previous table. 1699.  
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III. Four mortgages to Sir Patriek Trant and one to Daniel Arthur. At the end is an abstract of the debts due to forfeiting persons, not restored.

	£	s.	d.
By Judgments - - -	83,154	1	9
Costs - - -	177	12	1
Statutes Staple - - -	27,000	0	0
Mortgages - - -	9,682	0	0
Total -	120,013	13	10

*Signed and sealed by the seven Commissioners.*

(b<sup>10</sup>) No. 9. The Book of the Private Estate. A Book containing the number of profitable acres belonging to the Private Estate in grant to Mrs. Villiers, now Lady Orkney, within what counties and baronies they lie, with the yearly and total value. It is a Tabular Statement, according to counties, in the following columns: (1) Baronies; (2) Number of acres, profitable; (3) Ditto, unprofitable; (4) Value per acre; (5) Total value per annum; (6) Years' purchase; (7) Total value. An abstract at the end, of the totals for each county, gives a total of 95,649.2 profitable acres, valued at 25,995*l.* per annum, or at a total value of 337,943*l.* 9*s.*

*Signed and sealed by only four of the Commissioners, viz., Annesley, Trenehard, Hamilton, and Langford.*

(b<sup>11</sup>) The Commissioners' Report to the House, as follows:—

May it please your Lordships,

1. According to the powers given us by a late Act of Parliament made in the 10th and 11th years of his Majesty's reign, entitled, an Act for granting to his Majesty the sum of 1,484,015*l.* 1*s.* 11½*d.* for disbanding the Army, providing for the Navy, and for other necessary occasions, we have enquired into and taken an account of the forfeited estates in Ireland, and do humbly lay before your Lordships this our following Report, as the result of our proceedings.

2. But first we must humbly crave leave to represent to your Lordships the many difficulties we have met with, which we fear may render our enquiry less satisfactory than otherwise it might have been.

3. It is usual for the General Governors of this Kingdom when they are removed from their employment, to carry away the books and papers relating to their proceedings during their government, which we apprehended may have been some hindrance to our enquiry.

4. Soon after the battle of the Boyne, Commissioners of Forfeitures were appointed under the Great Seal of Ireland, who substituted Commissioners in the several counties of this Kingdom then in his Majesty's possession. These Sub-Commissioners acted very vigorously, and made returns of great quantities of goods forfeited, but several of these books we were not able to get, which was a great disadvantage to our proceedings; these returns having been made whilst the mischiefs were



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fresh and the resentments high between Protestants and Papists, and consequently with less favour than has been since shown.

5. Many Commissions for taking inquisitions have issued, both from the Chancery and Exchequer, that are not sped; and many others have been imperfectly taken and worse drawn up, and some have never been returned nor so much as the records made up by the escheator.

6. Great quantities of lands, found in the inquisitions, have not been put in charge to his Majesty nor appear in the rent-rolls, and many denominations appear in the rent-rolls, of which no inquisitions were taken, and a great many other parcels of lands are mentioned in the grants, which are neither found in the inquisitions or rent-rolls, and some in the Sub-Commissioners' returns that are found nowhere else; and there may be many more, of which we can trace no footsteps.

7. As we cannot complain to your Lordships of any direct disobedience to our authority, so we must take notice that we had from few offices that despatch which was necessary to the work we had the honour to be employed in; but whether this proceeded from any unwillingness to obey us, the multitude of other business, or the irregular methods of keeping their books, we do not affirm.

8. Particularly the books of the Commissioners of the Revenue relating to the forfeitures, are so ill and confusedly kept, as much delayed us in our proceedings, but this we do not attribute so much to the Commissioners of the Revenue as to shifting this enquiry from one Commission to another; which has been done five times since the battle of the Boyne, so that no Commissioners, if they were disposed to it, have been able to take any steady view of the forfeitures and digest them into method.

9. By this means we have been forced to examine such bundles of records and volumes of other papers as have taken up much of that time which might otherwise have been employed in the examination of the values and enquiring into the mismanagement of the forfeitures, which appear to us very great, though by the distance of time, the agreement of parties concerned, the death of some, and departure of others out of the Kingdom, most of the tracks are worn out, so that we found it very difficult, and in many cases impossible, to come at a true information.

10. Besides this, there appeared to us to be a very great backwardness in the people of this Kingdom to give any information, which, in our humble opinion, does not proceed from any dislike to the business of our Commission, or disobedience to the authority that sent us, but from the fear of the grantees and the persons in power whose displeasure in this Kingdom is not easily borne, besides, reports seem to us to have been industriously spread abroad and generally believed, that our enquiry would come to nothing, and was only the effect of a sudden resolution, which hindered many persons from making considerable discoveries. But we humbly conceive if such fears were removed, the forfeitures would appear much greater.

11. Added to all these difficulties, our business itself was so very voluminous and consisted of so many parts, that an exact scrutiny into all the particulars could not have been made in a

much longer time than we were confined to; but such an account as under these disadvantages we were able to acquire, we do, with all humility, lay before your Lordships.

12. The persons outlawed in England since the 13th day of February 1688, on account of the late rebellion here, amount in number to 57, and in Ireland to 3,921; all which, with their additions, and counties in which they were outlawed, appear in a book delivered in with this Report, No. 1.

13. The estates that the said persons or any of them were possessed of or interested in, either in law or equity, since the 13th day of February 1688, that came to our knowledge, together with the proprietors' names, the number of acres, the county and barony in which they lie, the value of them per annum, and the total value, appear in a book delivered in with this Report, No. 2.

14. But the gross number of all the acres belonging to forfeiting persons in each county, the yearly and total value, esteeming a life at 6 years' purchase and an inheritance at 13 years, which we apprehend to be at this time the value of the lands of this Kingdom, appear to us to be as follows:—

—	Acres Profitable.		Value per Annum.			Total Value.		
	A.	R.	£	s.	d.	£	s.	d.
In the County of Dublin -	34,546	0	16,061	6	0	208,796	18	0
In the County of Meath -	92,452	1	31,546	4	6	410,100	18	6
In the County of West Meath.	58,083	1	14,633	12	6	190,237	2	6
In the County of Kildare -	44,281	1	16,551	18	6	215,175	0	6
In the County of Cath- lough [Carlow].	26,303	0	7,913	11	6	95,872	2	0
In the County of Wicklow	18,164	0	2,719	3	0	35,348	19	0
In the County of Wexford	55,882	2	7,551	10	6	98,169	16	6
In the Queen's County -	22,657	0	5,002	8	9	65,031	13	9
In the King's County -	30,459	3	6,870	18	0	89,321	14	0
In the County of Kilkenny	30,152	2	5,243	3	6	68,161	5	6
In the County of Longford	2,067	2	348	9	9	4,530	6	9
In the County of Louth and town of Drogheda.	22,508	0	6,331	11	0	82,310	3	0
In the County of Cork -	214,330	0	32,123	12	6	417,737	2	6
In the County of Kerry -	90,116	0	3,652	11	9	47,483	12	9
In the County of Clare -	72,246	0	12,060	17	0	156,791	1	0
In the County of Waterford	21,343	0	4,190	10	0	54,476	10	0
In the County of Limerick	14,882	3	4,728	10	0	61,470	10	9
In the County of Tipperary	31,960	3	8,888	12	6	115,552	2	6
In the County of Galway -	60,825	0	10,225	4	0	83,528	19	0

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	Acres Profitable.		Value per Annum.			Total Value.		
	A.	R.	£	s.	d.	£	s.	d.
In the County of Roscommon.	28,933	0	5,808	15	0	69,676	2	0
In the County of Mayo -	19,294	0	3,186	5	0	37,598	3	0
In the County of Sligo -	5,562	2	998	17	6	12,985	7	6
In the County of Antrim -	10,103	3	1,944	18	6	25,284	0	6
In the County of Down -	9,079	0	1,016	6	6	13,212	4	6
In the County of Armagh -	4,962	0	538	0	0	7,644	0	0
In the County of Cavan -	3,830	1	478	12	6	6,222	2	6
In the County of Monaghan	3,832	0	558	16	0	7,264	8	0
In the County of Fermanagh	1,945	0	389	0	0	5,057	0	0

All these lands in the several counties aforesaid, as far as we can reckon by acres, being added together, make 1,060,792 acres, worth per annum 211,623*l.* 6*s.* 3*d.* (besides the several denominations in the said several counties to which no number of acres can be added by reason of the imperfection of the surveys not here valued), which we humbly represent to your Lordships as the gross value of all the lands forfeited in Ireland since the 13th day of February 1688.

15. Next we think it our duty to acquaint your Lordships, what proportions of these lands have been restored to the old proprietors, by virtue of the Articles of Limerick and Galway, and by his Majesty's favour.

16. Three letters, one from her late Majesty Queen Mary, of ever blessed memory, dated the 15th day of March 1691-2, to the Rt. Honble. the Lord Sydney, Sir Charles Porter, Knt., and Thomas Coningsby, Esq., then Lords Justices and Chief Governors of this Kingdom; one other letter from her said late Majesty, dated the 6th day of May 1693, to the said Lord Viscount Sydney, then Lord Lieutenant and General Governor of this Kingdom, and to the Privy Council there for the time being; and one other letter from his Majesty, dated the 24th day of April 1694, to the Right Hon. Henry, Lord Capel, Sir Cyril Wich, Knt., and Wm. Duncombe, Esq., then Lords Justices of this Kingdom, and to the Privy Council there for the time being, were severally [addressed] to them, empowering them to hear and determine the claims of all persons pretending to be within the Articles of Limerick and Galway. And in pursuance of the said letters, 491 persons were adjudged within the Articles aforesaid; the names of which persons, with their additions and the times of their adjudications, appear in a book delivered in with this Report, No. 3.

17. Afterwards, a Commission dated the 25th day of February, in the 8th year of his Majesty's reign, passed under the Great Seal of Ireland, empowering the Judges of the several Courts here, or any five of them, to hear and determine the claims aforesaid, and in pursuance of that Commission, 792



persons were adjudged within the Articles aforesaid, the names of which persons, with their additions and the times of their adjudications, appear in a book delivered in with this Report, Numbered 4.

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18. The estates that the persons have been restored to, by virtue of their adjudications, contain 233,106 acres of land, amounting in yearly value to 55,763*l.* 6*s.* 6*d.*, value total 724,923*l.* 4*s.* 6*d.*; the particular number of acres belonging to persons adjudged, the county and barony in which they lie, with the yearly value and what the whole interest is worth appears in the book, No. 2.

19. And here we presume not to judge whether the said letters from his Majesty or the late Queen to the Lords Justices and Council, or the Commission under the Great Seal to the Judges, did give them any legal authority to summon the subjects from all parts of the Kingdom; give oaths, adjudge without jury, and levy money under the name of fees, we finding no Act of Parliament to warrant the same, which we humbly submit to your great wisdom.

20. Further, we think it necessary to inform your Lordships that the fees in the said Courts were so extravagant, that Mr. Palmer, who acted as registrar in the right of Mr. Poultney, and divided the profit with him, demanded of Mr. Luke Dillon, for the fees of his father's adjudication 86*l.*; and Mr. Steele, crier of the Court, 15*l.* more; nor could Mr. Dillon get out the order to reverse his father's outlawry till he had paid 52*l.* in ready money to Mr. Palmer, and gave him his bond for 14*l.* more, and had paid Mr. Steele 5*l.* besides 10*l.* which he had paid to Mr. Palmer before for orders, the Cause being continued in the Court near two years. Nor was this a single case, for many more have paid great sums of money upon the like account, the charge only of entering a claim before we acted in our Commission being near 5*l.*, though by express words of the Articles of Limerick, no persons ought to pay any fees but to writing clerks.

21. We may add to this, that the proceedings of the last Court of Claims are almost universally complained of, and we fear with too much reason, some persons having been adjudged without posting their claims, others within a day or two after, before the King's Counsel or witnesses could be ready, which was contrary to the rules of the Court itself, that required fourteen days between the posting every claim and the adjudication. It was also observable, that, if any person would disclaim his estate, he met with very little difficulty in being adjudged, though afterwards there could be no obstacle to the reversing his outlawry, and consequently to be restored to his estate. In general it seems to us that there has been great miscarriages in the said Court, and that in many cases the Articles of Limerick and Galway have been expounded too beneficially in favour of persons outlawed; and often upon the oath of witness, who we humbly conceive cannot be convicted for perjury, either by Common or Statute Law. By this means, we apprehend a great many persons have been restored to their estates that upon review would be found to belong to his Majesty; to come to a more particular knowledge of which we sent to the said Mr. Palmer for the minutes of the adjudications, but he having taken them in short-hand only and never since transcribed them,

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we could not get such an account as was fit to lay before your Lordships; we shall only take notice of one thing on this occasion that seems to us very extraordinary; that more persons were adjudged within Articles since the commencement of our enquiry, than had been since the making of the said Articles.

22. Next, we are to acquaint your Lordships what estates have been restored to the old proprietors, by reversal of outlawries or his Majesty's pardon.

23. The reversals are of two sorts, such as have been in pursuance of adjudications, all marked in Nos. 3 and 4 in distinct columns; for that purpose the estates restored by the reversals are already computed under the consideration of persons adjudged.

24. The other sort are such as have been reversed by his Majesty's or late Queen's letters or orders to the Lords Justices, which with all pardons and the considerations inducing the same passed since the defeat at the Boyne, amounting to 65, and appear in a book delivered in with this Report, No. 5. The estates restored to the several persons pardoned, or that have reversed their outlawries by his Majesty's favour, contain 74,733 acres, worth per annum 20,066*l.* 8*s.* 3*d.*, value total 260,863*l.* 7*s.* 3*d.* The particulars thereof, what estate belongs to such person, in what county and barony it lies, what is the yearly and total value, appear in the book, No. 2.

25. And here we think it proper to take notice to your Lordships, that as well by the general report of the country, as by several observations of our own, it appears probable to us that many of the persons aforesaid have obtained his Majesty's favour by gratifications to such persons as have abused his Majesty's royal compassion. But when we touched on this subject, we found difficulties too great to be overcome; most of these matters being transacted in private and with persons out of this Kingdom. However, we shall lay before your Lordships some instances where it appears to us that money has been given to restore persons forfeiting to their estates.

26. The Rt. Honble. the Lord Bellew released a statute staple of 1,000*l.* principal money, and 700*l.* or 800*l.* interest to the Lord Raby, which was due from Sir William Wentworth, father to the present Lord Raby, to the Lord Duleek, father to the present Lord Bellew, in consideration that he would use his interest with his Majesty to procure his pardon; which he did accordingly, and his pardon soon after past. He also released to the Lord Romney all the profits of his estate which his Lordship had enjoyed near three years, amounting to about as many thousand pounds, in consideration his Lordship would not give him any molestation in passing his pardon.

27. John Kerdiff, of Kerdiffstown, in the county of Dublin, Gentleman, gave to Mrs. Margaret Uniaek 200*l.*, or thereabouts, to make use of her interest with the Lord Romney to obtain his Majesty's letter to have his outlawry reversed, which was accordingly done, though the particular case of this man appeared to us deserved compassion.

28. Sir John Morris paid to Mr. Richard Uniaek 500*l.* whereof 300*l.* was paid to Mrs. Margaret Uniaek for her interest in the Lord Romney to procure his pardon, which was accordingly done.



29. Harvey Morris, Esq., gave 100*l.* to Mrs. Margaret Uniack to obtain his Majesty's pardon, which was accordingly done.

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30. John Hussey, of Leslip, Esq., upon his being informed by Mr. Bray and Mr. Roscoc, agents to the Lord Athlone, that he could not get his outlawry reversed without giving a general release of all demands to the Lord Athlone, which he did, whereby a mortgage of 300*l.* which he had on the Lord Limerick's estate then in grant to the Lord Athlone, was released, who appears not to us to have known of the said mortgage, or to have any benefit thereby.

31. Edmund Roch, Gentleman, gave to Mr. Richard Darling, agent to the Lord Romney, 500*l.*, for his interest in procuring his pardon, which by the means of the Lord Romney was obtained, as we believe, but the said Roch was outlawed on the Statute of Foreign Treasons, though never out of the Kingdom.

32. John Bourke, Esq., commonly called Lord Bophin, agreed to pay 7,500*l.* to Mr. Andrew Card, for the use of the Lord Albemarle, in consideration he would procure his Majesty's letter to have him restored to his estate and blood; 3,000*l.* of the said sum was to be paid when he was restored to his estate, and the residue some time after. In pursuance of the said agreement, a letter was sent to the Lords Justices to be communicated to the Commissioners of the Court of Claims in favour of the Lord Bophin, in order to have him adjudged within the Articles of Galway; but nothing being done thereon, it was agreed that a Bill should be transmitted to England in order to pass into a law in Ireland to restore the Lord Bophin to his estate and blood. The consideration suggested in the Bill was to educate his children in the Protestant religion, and to set his estate to Protestants. It was further provided in the said Bill, that 9,000*l.* should be raised upon the said estate, for payment of debts, and a certain part of the said estate appropriated for the maintenance and provision for the children; but in reality 7,500*l.* of the said money was to be paid to the Earl of Albemarle, and the remainder, as we believe, to the other persons concerned in negotiating the said agreement. This Bill was brought into the House of Commons of Ireland, but the agreement taking wind, and the House resenting that their authority should be made use of to support such a clandestine bargain, and finding several allegation in the Bill false, they rejected it. Afterwards a new agreement was made, viz.: that there should be a grant to the Lord Ross in trust, that the money to be advanced for procuring the said grant should be first raised out of the estate, and next that the profits should be applied to the payment of debts, and afterwards to the use of the family of Clanriekard. In pursuance of the agreements aforesaid, a letter was procured from his Majesty, and 3,000*l.* paid to Thomas Broderick, Esq., for the benefit of the Lord Albemarle.

33. Having now laid before your Lordships an account of all the estates belonging to persons outlawed since the 13th day of February 1688, and also what estates have been since restored by Articles, and what by his Majesty's favour, we will proceed to acquaint your Lordships what grants have been made and also what eustodiams are yet in being of any of the said estates, and to whom.



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34. There have passed, since the battle of the Boyne, under the Great Seal of Ireland, 76 grants and custodiams now in being, a book whercof, with the dates of the Letters Patent and considerations, we have delivered in with the Report, No. 6. Some of the most considerable grants we here particularly lay before your Lordships [with] the number of acres and considerations.

35. To the Rt. Honble the Lord Romney, 3 grants now in being, containing 49,517 acres; the considerations, services done.

36. To the Rt. Honble. the Earl of Albemarle, 2 grants now in being, containing 108,633 acres in possession and reversion. Consideration, services done.

37. To William Bentinck, Esq., commonly called Lord Woodstock, 135,820 acres of land. No particular consideration mentioned in the grant.

38. To the Rt. Honble. the Earl of Athlone, 2 grants, containing 26,480 acres. Consideration, services done in the reduction of Ireland.

39. To the Rt. Honble. the Earl of Galway, 1 grant, containing 36,148 acres. Consideration, many good and faithful services by him performed.

40. To the Rt. Honble. the Earl of Rochfort, 2 grants, containing 39,871 acres. Consideration, services done.

41. To the Marquis of Puissar, 2 grants containing 30,512 acres. Consideration, services done.

42. To the Rt. Honble. the Lord Coningsby, 5,966 acres with several chiefryes [chief rents], tithes and many houses in the city of Dublin with 1,000*l.* mortgage. Consideration, services done.

43. To the Rt. Honble. the Lord Mountjoy, 11,070 acres for 21 years, in consideration of his services in the war of Ireland, the losses he suffered in his estate, the imprisonment of his father in the Bastille, and his being killed in the battle of Steynkirk.

44. To the Honble. Thomas Keightly, Esq., 2 grants, containing 12,381 acres for 99 years, as a portion for his daughter, Mrs. Katherine Keightly, who was dependent on her late Majesty Queen Mary, of ever blessed memory, and in consideration of a pension of 400*l.* per annum and his losses by the war.

45. To Col. Gustavus Hamilton, 5,382 acres, whereof a considerable number are no part of the forfeitures. Consideration, his great and early service in the war of Ireland, his wading through the Shannon and storming the town of Athlone at the head of the English grenadiers.

46. To Doct<sup>r</sup> John Leslie, 16,077 acres. Consideration, his early service in the war of Ireland, his great expense in raising and arming considerable numbers of men and fighting at the head of them in several engagements.

47. To Thomas Pendergast, Esq., now Sir Thomas Pendergast, Bart., 2 grants, containing 7,082 acres, upon the most valuable considerations of his great services in discovering a most barbarous and bloody conspiracy to assassinate the King's most excellent Majesty, to destroy the liberties of England, and in consequence, the Protestant religion throughout Europe.

48. To Mr. John Baker 1,647 acres, in consideration of the great and memorable services of his father Col. Henry Baker, performed in the defence of the city of Londonderry.

49. To James Corry, Esq., 2 grants, one of a mortgage of 2,000*l.* in fee of several lands in the county of Wicklow, due to Sir Edwd. Scott from the Earl of Tyrone, the other 1,725 acres. The considerations mentioned in the Letters Patent are, his house being burnt and his having furnished the garrison of Enniskillen with provisions and materials to the value of 3,000*l.* at his own expense. But enquiring into the merits of this gentleman, it appears to us that he gave no assistance to the garrison of Enniskillen. That in the town of Enniskillen he publicly declared, he hoped to see all those hanged that took up arms for the Prince of Orange, and his house was burnt by the said garrison.

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50. The rest of the grants with the former appear in the said book, No. 6, and are comprehended in the general values.

51. It is to be observed that all acres mentioned in this Report are meant plantation acres, which bear a proportion to English acres as 264 is to 441.

52. It is further to be observed that the estates above mentioned do not yield so much to the grantees as they are here valued at, for as most of them have abused his Majesty in the real value of their estates, so their agents have imposed on them, and have either sold or set the greatest part of these lands at a great undervalue.

53. We are further to take notice that most of the lands in the several grants aforesaid were granted under the Exchequer seal in custodiam for small numbers of years, or during pleasure, either to the present grantees or other persons, by which means very little profit has accrued to his Majesty; the greatest part of the custodiams are now expired, but those few yet in being appear in a book at the lower end of the grants, No. 6.

54. In the next place, we shall humbly acquaint your Lordships with the several incumbrances that affect the estate forfeited and not restored, and here we shall take notice of such only as are found by inquisition, or have been allowed by his Majesty's Court of Exchequer, most of which last have been in pursuance of her late Majesty's letter dated \_\_\_\_\_ to the Lords Justices of Ireland, which required that all Protestants should try the validity of their incumbrances in the most speedy manner, without subjecting them to dilatory or chargeable methods.

55. All statutes, judgments, mortgages or other debts, which appear to us as aforesaid to affect the estate not restored, amount to 161,936*l.* 15*s.* 6*d.*, the particulars whereof appear in a book delivered in with this Report, No. 7. The reality of the said incumbrances, which of them have been made upon a valuable consideration, and what have been since discharged by receipt of rents, or otherwise, we had neither time or opportunity duly to examine; but we humbly conceive there are many very great deductions to be made upon the following considerations.

56. In all judgments and statutes we have set down the penal sums, not being able to know what interest is due upon the several particulars.

57. It appears probable to us that oftentimes the judgment mortgage is for the same debt.

58. It is probable that many of the said judgments are only for performance of covenants and the defeasances remain in the hands of the covenanters.



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59. In many cases Protestants and Papists have been equally bound, and the whole debt is demanded on the lands of the forfeiting person, though there may be other security.

60. It does appear that many deeds and copies of judgments were produced to the juries on several enquiries, and found without any proof of the execution of such deeds, or the considerations therein expressed.

61. It is probable that in many cases the statutes and judgments have been satisfied, and do not appear discharged upon record.

62. Many incumbrances have been bought up by the grantees and agents and under-purchasers, and oftentimes at small values, and are kept on foot to cover the estates, though probably they might have overpaid themselves by the perception of profits.

63. Many persons have been put in possession of the lands incumbered by virtue of her Majesty's letter, and have received all or great part of their debts.

64. It is probable that several of the incumbrances have been taken in trust for forfeiting persons, and many others were entered into covenantously.

65. In conclusion, it appears to us that there are all the contrivances possible made use of by some of the grantees, or their agents, to make the incumbrances appear great, though we believe, if they were duly enquired into, they would not be found so considerable, but that a great part of them might have been paid off by perception of profits before this time. However, we humbly conceive that at present they will be much more than discharged by the personal and other forfeitures not before valued, which we now humbly lay before your Lordships.

66. As we informed your Lordships before, soon after the battle of the Boyne, Commissioners under the Great Seal of Ireland were appointed, who had power to seize and dispose of the forfeited goods and chattels to his Majesty's use. These appointed Sub-Commissioners in the several counties then in his Majesty's possession, who made returns of great quantities of goods and chattels which they valued at 135,552*l.*; but at so moderate computations that every horse was valued at 20*s.*, every cow or ox at 15*s.*, sheep at 2*s.* 6*d.* a piece, and other things proportionably. So that it appears very probable to us that, if the said goods had been disposed of to the best advantage, they might have yielded between two or three hundred thousand pounds. But before that could be done upon the representation of the then Commissioners of the Revenue, the power of disposing by the said Commissioners of Forfeitures was superseded by a letter from his Majesty, within nine days after the granting their Commission, and placed in the Commissioners of the Revenue. By this means so much time was lost before their books and goods, seized by the Sub-Commissioners, could be transferred to the officers of the Revenue, that the greatest part of them was either embezzled by the Sub-Commissioners of Forfeitures, or the collectors of the Revenue, or else plundered by the army at their return into winter quarters, so that it does not appear to us that there ever was accounted for to his Majesty above the value of 44,000*l.* Besides these, there were great quantities of other goods appeared in the inquisitions,



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which we do not find ever came to his Majesty's use, and many more were seized by private men. Indeed the plunder at that time was so general that some men in considerable employments were not free from it, which seems to us a great reason why this matter has not been more narrowly searched into; particularly the Lord Coningsby seized a great many black cattle to the number of 300, or thereabouts, besides horses that were left in the park after the battle of the Boyne, and which we do not find were ever accounted for to his Majesty. He also seized all the plate and goods in the house of Sir Michael Creagh, lord mayor of the city of Dublin for the year 1689, which are generally thought to amount to a great value; but this last is said to be by grant from his Majesty. There were several rich goods and other household stuff delivered by the Commissioners of the Revenue to the then Lords Justices—the Lord Sydney and Lord Coningsby—which we do not find were ever returned, accounted for to his Majesty, or left in the castle at their departure from the Government.

67. Further, there were several other quantities delivered by order of the Commissioners to Sir Charles Porter, Major-General Kirk and others, which have not been returned, and a great deal more by the General Officers of the army, which it is said his Majesty hath since discharged.

68. If we may believe the general reports of the country, very many persons have made their advantages of these forfeitures, but the time was so distant, the proofs so difficult, and withal the hopes of getting any part of them back again so remote, that we rather chose to prosecute more material inquiries, and therefore can give your Lordships no further information concerning them.

69. But since the values of the before-mentioned goods and chattels are so uncertain, we make no estimate thereof, but will proceed to take notice of some debts by judgment and statute, and a few mortgages due to forfeiting persons not restored, which amount to 120,013*l.* 13*s.* 10*d.*, as appears in a book delivered in with this Report, No. 8.

70. And here it may be observed that these debts are liable to all the objections made against the incumbrances before mentioned, only with this difference, that as the incumbrances may be presumed to be in a great measure satisfied by the perception of profits, the creditors being many of them in possession pursuant to her late Majesty's letter in favour of Protestant creditors, or at least that the full interest thereof has been paid out of the rents, so in the other the full penalty is due, no interest appearing to be paid since the forfeiture, and therefore [we] humbly conceive may be taken as so much in discount against incumbrances.

71. And here we crave leave further to observe that almost all the said judgments were found in the Court of Exchequer only, and from a mistake of our orders no return has been made from either of the other Courts of Law, by which means, we believe, many more debts appearing on record to be due to forfeiting persons not restored may be omitted.

72. There are yet to be computed 297 houses in the city of Dublin, 36 houses in the city of Cork, with 226 houses situate in the several cities and towns of this Kingdom, together with 61 mills, 28 fairs and markets, 72 rectories and tithes, chief

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rents, amounting to 238*l.* per annum; and 6 ferries and — fisheries lying within the several counties and baronies of this Kingdom, the forfeitures of persons not restored, which we value in gross at 50,000*l.*, and place here among the personal forfeitures towards the discharge of incumbrances. And if we add the debts due to the forfeiting persons, as we humbly conceive, we shall fully discharge the incumbrances aforesaid; and if there were room to apprehend any deficiency, yet the chattels real of persons comprehended within the Articles of Limerick, which by the construction of the said Articles they were not to be restored to, would fully, as we apprehend, make up any defect that might remain after the allowances aforesaid.

73. It appeared to us by our observations in the country, that a great part of the lands called unprofitable in the surveys, except those in Kerry, which we account as nothing, are now profitable acres, and many of them as good as any lands in the Kingdom, and, though they are not comprehended within our valuations, yet are in themselves considerable.

74. We have computed the forfeited estates according to the present values and the current price of coin here, were they now to be set without any regard to beneficial leases made before the forfeitures, and because we found it impossible either to come to a reasonable knowledge of the number of them, and which are real or fraudulently set up, we think it most proper to make a general allowance for the same by way of discount on other particulars. And if all the unprofitable acres be cast in, it may near answer the difference of value the now beneficial leases do make from the present intrinsic value exclusive of them.

75. And lest this allowance should be thought insufficient, we humbly conceive the woods of this Kingdom now standing on the forfeited estates not restored, may be worth 60,000*l.*, which we believe, if thrown in, will answer the difference, provided some speedy care be taken to prevent further waste.

76. But lest our allowances on the particulars aforesaid should not be esteemed sufficient, we throw in all denominations of lands to which we could annex no number of acres, not receiving any light either by the surveys, Commissioners' books, inquiries, or our own enquiries in the country, and because they [there] are quantities of land that vastly differ from one another both in value and number of acres, we can set no estimate upon them, though it seems very probable to us that they amount to at least 70,000 or 80,000 acres, which we humbly conceive will much more than answer all the deficiencies before mentioned.

77. And here we shall take notice of the general waste committed on the forfeited woods of the Kingdom, particularly on the woods of Sir Valentine Browne, in the county of Kerry, where the value of 20,000*l.* sterling has been cut down and destroyed; and the waste made on the woods of the late Earl of Clancarty's estate, now in grant to the Lord Woodstock, is computed to 27,000*l.* And indeed, so hasty have several of the grantees or their agents been in the disposition of the forfeited woods, that vast numbers of trees have been cut and sold for not above sixpence apiece. And the like waste is still continuing in many parts of this Kingdom, and particularly at this instant, the Rt. Honble. Sir John Hely, Lord Chief Justice of the Court of Common Pleas here, and Peter Goodwyn, Esq., joint



purchasers of the lands of Feltrim, within 6 miles of Dublin, of the Rt. Honble. the Lord Coningsby, are now cutting down the very ornamental rows and groves. About the mansion house great waste has been made and yet is committing on the woods of Othogness, in the county of Galway, purchased by Toby Butler, Esq., for about 3,500*l.*, which is valued to about 12,000*l.*; and when we appointed some persons to view and value the said woods, the said Toby Butler did prosecute several of them, by indictment, for so doing.

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78. Besides all the forfeitures before mentioned, there are great numbers of persons guilty of the late rebellion, and within no Articles and never prosecuted; and very many have appeared on the exigent which to this day are continued under bail. And some of them were this last summer assizes tried and acquitted; and indeed it does appear to us that the freeholders of this Kingdom through length of time, and by contracting new friendship with the Irish, or by inter purchasing with one another, but chiefly through a general dislike of the dispositions of the forfeitures, are scarce willing to find any persons guilty of the late rebellion even upon full evidenee.

79. By reason of this delay of perscution, many good estates by the death of parties have been lost to his Majesty.

80. And notwithstanding all this, it seems probable, by the multitude of discoveries offered to us, that if right methods were taken and proper encouragements given, a great sum of money might be yet raised out of the forfeitures that lie concealed.

81 There has been so great a neglect in the prosecution of the King's title, that no inquisitions went into Connaught till the year 1695, which gave the forfeiting persons time and leisure to set up what incumbrances they pleased, and when they were issued the findings were almost as the Counsel of the forfeiting persons pleased. And indeed, by the great disproportion of Protestants to Papists, which is computed at not one to fifty, and so very few Protestant freeholders within most counties of that province, and so little justice to be had there, that the province itself seems scarcely reduced to his Majesty's obedienc. A late instance might be given at the last assizes for the county of Galway, where near forty persons were brought on their trials for the late rebellion, and the majority of the jury that had them in charge were officers in the late King James's army, and adjudged within Articles, and after that it were needless to say they were all acquitted, though by accident it was discovered that Mr. Kirevan, one of the persons then on trial, was in actual rebellion, and an officer under the foreman of the jury, who was sworn to that fact, which was a surprising difficulty to the jury, who, not well knowing how to acquit him upon so direct a proof, resolved that the dice should determine, and so the jury among themselves threw the dice who should absent himself; and so the lot falling upon one Mr. Pendergast, he did absent himself accordingly, and so no verdict was given on the said Mr. Kirevan, who was thereupon bound over to appear the next assizes at Galway to take his trial.

82. The House of Clanrickard has a vast territory within that province, with few or no Protestant tenants thereon, the greatest part whereof by the attainder of the Lord Bophin, who is only tenant for life, is now vested in his Majesty. And we humbly conceive, if proper methods were now taken for letting the said



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estate to Protestant tenants by leases for lives renewable for ever, it would greatly increase the freeholders, and thereby secure the property and advance the Protestant interest of that province.

83. And in the next place, we do humbly acquaint your Lordships that several of the grantees have raised great sums of money by sale of their lands and estates, in the whole amounting to 68,155*l.* 3*s.* 1*d.*, as does hereafter more particularly appear, viz.: The Right Honble. the Earl of Athlone has sold to several persons, so much of his grants as amount to the sum of 17,684*l.* 12*s.*; and here we think we ought to take notice that the Earl of Athlone's grants are confirmed by an Act of the Parliament of Ireland. The Right Honble. the Earl of Romney has sold so much of his grants as amounts to 30,147*l.* 11*s.* 1*d.*, of which 5,323*l.* 14*s.* 7*d.* remains unpaid in the purchaser's hands. The Rt. Honble. the Earl of Albemarle has received 13,000*l.* sterling in England by sale of part of his grants. The Rt. Honble. the Lord Coningsby has sold to the value of 2,200*l.*, and Thos. Keightly, Esq., has sold and received to the value of 5,123*l.* 10*s.*, amounting in the whole to 68,155*l.* 3*s.* 1*d.*

84. We are also to acquaint your Lordships that there have been several proclamations and other public assurances given that a fourth part should be granted to such as should discover any concealed forfeitures. To some of the Discoverers grants have been made, and they appear in the Book of Grants, No. 6; and others affirm they have not yet received any satisfaction; the whole, we believe, are under the value of 2,000*l.* per annum.

85. And here we may take notice that the forfeitures in general, notwithstanding they appear to be so considerable, have been rather a charge than a profit to his Majesty, which might seem very extraordinary, if we did not acquaint your Lordships that many obscure men that had little or nothing since the redemption of Ireland, are now reputed masters of considerable estates, and some of them very great ones. Nor does there appear any visible cause of their acquiring such sudden riches, but by fishing in these forfeitures. Indeed, the whole management has been so intricate, as if it were designed to make the knowledge of it a mystery, which has proved sufficiently advantageous to these men, though very much to the detriment of his Majesty, who, by this means, has been deceived in the value of his grants, and, in many cases, has given much more than he intended.

86. There is nothing seems to us to have contributed more to it than the letting the forfeited lands by eant in the city of Dublin, and not in the several counties in the Kingdom, for by that means very few persons would come to town at a great charge and neglect of their affairs, when they were sure to be outbid by the agents to great men, who aimed only to get into possession, and had interest enough afterwards to have all or most of their rents remitted upon this consideration. Mr. Attorney-General and William Connelly, Esq., eanted lands in the county of Kilkenny, worth about 200*l.* per annum, to more than 20,000*l.* per annum, so that private persons, who had no interest, found it in vain to contend: besides, they were over-awed by the authority often of those that bid against them, which weighs much in this country.

87. By these methods, when others were driven off the stage, they took the lands at their own rates, oftentimes, as we conceive, agreeing not to bid against one another, particularly the Honble. Thomas Broderick, Esq., and the said Mr. Connelly, who took vast quantities of land and in a great measure governed the cants, few persons daring to bid for them, acted in partnership in all they took in the year 1695, and ever since, and let it afterwards to under-tenants at greater rents, which is the more observable in Mr. Broderick, who was then a Privy Councillor and appointed by the Lord Capel to inspect the cants, having been informed they were managed much to his Majesty's disadvantage.

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88. Nor could it be expected they should be better regulated when many of the immediate officers of the Revenue took parcels of these lands, and some were taken in trust for the very Commissioners themselves, particularly the lands of Kerdiffstown were let to Henry Feraley in trust for Mr. Culliford at 31*l.* 16*s.* per annum, though actually canted to 84*l.* Several other forfeited lands were taken by Mr. Culliford and great quantities of goods seized by him to his Majesty's use, which he afterwards converted to his own.

89. Besides the great abuses in the management of their cants, we humbly represent to your Lordships an instance of a considerable estate that was let without any cant at all, by direction of the Lords Justices, for at least 1,000*l.* per annum less than it was then worth, and for a term of 61 years, though by a letter from his Majesty dated the 8th day of March, 1698, they were commanded to let it for a term not exceeding 21 years, and at a time when there was a term of one year and a half unexpired in another tenant. This is a lease of the estates of Sir Valentine Browne and Nicholas Browne, commonly called Lord Viscount Kenmare, within the counties of Kerry and Limerick, made to John Blannerhasset and George Rogers, Esqs., then members of Parliament of this Kingdom.

90. Having already laid before your Lordships the most material parts of our enquiry, we now crave leave to make a short abstract of our valuations, before we conclude our Report. The whole forfeited estates, since the 13th day of February, 1688, we value at 2,685,130*l.* 5*s.* 9*d.* The estates restored by Articles we valued at 724,923*l.* 4*s.* 6*d.* The estates restored by favour we value at 260,863*l.* 7*s.* 3*d.* The debts affecting the estates forfeited and found by inquisition, or allowed by order of the Exchequer, were computed at 161,936*l.* 15*s.* 6*d.*

Against which we balance the debts due to forfeiting person not restored amounting to 120,013*l.* 13*s.* 10*d.*, as also all the houses, tithes, mills, fairs, markets, chief-rents and ferries, worth about 50,000*l.* Against the beneficial leases we balance all the acres called unprofitable, and also the woods yet standing upon the forfeited estates, which we compute may be worth about 60,000*l.*, and the chattels real of persons adjudged within Articles hitherto never brought to any account. But lest our allowances should not be thought sufficient, we throw in all denominations of lands that have no acres annexed to them, which we cannot believe will amount to less than 70,000 or 80,000 acres, and consequently, if valued in proportion with other lands, will come to at least 140,000*l.* The estates yet undiscovered seem to us very considerable, but [we] can make no probable value of them. The sums received by the grantees from the sale of their estates,



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amount to 68,155*l.* 3*s.* 1*d.* We have taken no notice of any debts due to persons restored, or of any incumbrances affecting their estates; and after the several allowances before mentioned there yet remains 1,699,343*l.* 14*s.*, which we humbly lay before your Lordships as the gross value of all the estates forfeited since the 13th day of February 1688 and not restored. We shall now conclude our Report by laying before your Lordships another grant of considerable value which we are apprehensive does not fall within the letter of our enquiry; but since the benefit of some forfeited leases or holdings are therein granted, we chose rather to lay the whole grant before your Lordships than be thought deficient in executing any part of our duty, or what might be expected from us. A grant, under the Great Seal of Ireland, dated the 30th day of May 1695, passed to Mrs. Elizabeth Villiers,\* now Countess of Orkney, of all the private estate of the late King James (except some small part in grant to Lord Athlone) containing 95,649 acres, worth per annum 25,995*l.* 13*s.*, value total 337,943*l.* 9*s.*, the particulars whereof, viz.: the number of acres in each county and barony, the value per annum, the value total appear in a list delivered in with this Report, No. 9. There is payable out of this estate 2,000*l.* per annum to the Lady Susan Bellairs† for her life, and also 1,000*l.* per annum to Mrs. Godfrey‡ for her life, and almost all the old leases determine in May 1701, and then this estate will answer the value above mentioned. All which is most humbly submitted to your Lordships' consideration. *Signed and sealed* Fra. Annesley, John Trenchard, James Hamilton, Hen. Langford.

1472. Dec. 15. *Downing v. Cage*.—Petition and Appeal of Sir George Downing, Bart. Sir Anthony Cage, was seised of copyhold lands holden of the manor of Mitchell Hall, in Swaffham, Cambridge-shire. He died in 1667, and Thomas Cage, his younger son, got into possession. John Cage, the eldest son, thereupon brought his ejectment and recovered the same, but the steward of the manor refused to admit him, and Thomas Cage was admitted. On Sekeford Cage, John's eldest son, coming of age, he recovered judgment on an ejectment, and had a writ of *Halere fac. possessionem* executed, but Edward Marsh, lord of the manor, refused to admit him. Sekeford Cage then exhibited his Bill in Chancery, praying that Appellant who had since entered into possession of the premises in question, might account for the profits and that Edward Marsh might be compelled to admit him. Appellant in his Answer stated that Sir Anthony Cage was seised of the manor of Mompleire and other lands in Swaffham, including the copyhold lands

\* Sister of Edward, 1st Earl of Jersey. She married Lord George Hamilton, 5th son of William, Duke of Hamilton. He was created Earl of Orkney soon after the marriage. She is supposed to have been the only English woman who was the mistress of William III.

† Probably the lady referred to is Susan, Lady Belasyse. She was the daughter of Sir William Armine, of Osgodby, in Lincolnshire, and at the age of 13 married Sir Henry Belasyse. After the death of her husband in a duel in 1667, she was on very intimate terms with the Duke of York, afterwards James II., who is supposed to have been anxious to marry her. In 1674 she was created Baroness Belasyse for life. She was one of the Protestant ladies, present at the accouchement of Mary of Modena, who signed the deposition as to the birth of the Prince of Wales. See Complete Peerage edited by G. E. C.

‡ Arabella Churchill was at one time the mistress of James II. She was a sister of the Duke of Marlborough and the mother of the Duke of Berwick. She afterwards married Colonel Charles Godfrey.



in question, and that on the marriage of Thomas Cage with Sicillia Soame, he had settled all his Swaffham estate upon Thomas and his heirs. Thomas had enjoyed the lands until 1677, when he sold them to Appellant's father. In July 1686 all Appellant's title deeds were burned. This encouraged Sekeford Cage to bring this suit. Appellant, however, has lately discovered that his father, Sir George, bought from Thomas Cage the manors of Mompleire and Birds and all his other lands in Swaffham, which on Appellant's marriage with Lady Katherine Cicell, in consideration of her marriage portion of 10,000*l.*, were settled upon him and the issue male of the marriage. As his father was purchaser from Thomas Cage without notice, Appellant and his issue male, by reason of the marriage articles, are also purchasers of the Swaffham copyhold lands. The Cause was heard by the Master of the Rolls, and a Decree, purporting to be by consent, ordered Appellant to surrender the lands to Sekeford Cage, and Marsh, the lord of the manor, to admit the latter on his paying his fine and fees. Appellant never consented. On re-hearings before the Master of the Rolls and before the Lord Chancellor, the said Decree was confirmed. Appeals against it on the ground that Cage ought to have had no relief against a purchaser with about 40 years' possession, or at most should have been admitted to try his title at law, and also that no consent of Petitioner's, even if proved, which it was not, could convey away his estate of inheritance. Prays that Sekeford Cage may be summoned to show cause why the Decrees should not be reversed. *Signed* George Downing. *Countersigned* Wm. Dobyms, Jnr. Willyams, Junr. [Read this day. L. J., XVI. 485. At the Hearing on 27 Jan. *Mr. Serjt. Wright* and *Sir Thomas Powys* were heard for Appellant, and *Sir Barth. Shore* and *Mr. Pooley* for Respondent. The Appeal was dismissed. MS. Min. L. J., XVI. 502.]

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Annexed:—

(a) 8 Jan. Answer of Sekeford Cage, Esq. His father John Cage was refused admittance to the premises by Drake, then steward of the manor, upon pretence that several years quit-rent was in arrear. Adlord Cage, John Cage's attorney, together with Drake and the lord of the manor, searched the Court Rolls, but failed to ascertain the quit-rent; and after John's death, when Respondent was only five years old, Drake, by combination with Thomas Cage, caused the lands to be seised into the hands of the lord of the manor, who granted them to one Smith, who surrendered them to Thomas Cage. Respondent was thus tricked out of the premises. The Decrees and Orders were by consent and are just. Prays that the Appeal may be dismissed with costs. *Signed* Seke. Cage. *Countersigned* D. Deane. *Endorsed* as brought in this day.

1473. Dec. 18. Writ of Summons (E. Abingdon).—Writ of Summons to Montagu, E. Abingdon. *Dated* 16 Nov. 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 485.]

1474. Dec. 18. Barlow's Estate Act.—Amended Draft of an Act for confirming the sale of the manor of Stansall and certain tenements in the county of York, made by Thomas Barlow, Gent., and for settling other lands of greater value to the same uses, and for vesting other lands and hereditaments in trustees to be sold for purchasing other lands to be settled to the same uses. The amendments made in Select Committee were merely of a drafting character. Com. Book, 12 Jan. There were no amendments in the Commons. [Read 1<sup>a</sup> this day.

1699. Royal Assent 11 April 1700. L. J., XVI. 486, 579. 12 Will. III.  
— c. 47 in Long Cal.]

No. 1474.

Annexed:—

(a) 15 Dec. Petition of Thomas Barlow, Gent., for leave to bring in the Bill. His uncle, Francis Barlow, was seised of lands in Yorkshire, and entitled to a fee simple, immediately expectant upon the death of the Queen Dowager, of a fee farm rent of 106*l.* per annum. He entailed his property on Petitioner and his sons. Petitioner has lately purchased the manor and lands of Middlethorpe, near York, and laid out over 2,000*l.* in building a house there as a family seat. The entailed lands lie dispersed and at a distance from Middlethorpe, and he wishes to sell them and buy lands which lie more convenient, to be settled to the same uses. All persons concerned in remainder consent. [Read this day, and leave given. L. J., XVI. 484.]

(b) 12 Jan. Consent of the Vear, Churchwardens, and Overseers of Sheffield, to the Bill. Robert Barlow's uncle, Francis Barlow, bequeathed to the poor decayed tradesmen of Sheffield 8*l.* a year for six years and 6*l.* a year for ever after, charged on the houses he bought of one Joshua Shemiield, to be paid to the Overseers of the Poor every Christmas and distributed by them. Robert wishes to transfer the charge from the said houses to the manor of Middlethorpe, which will be a much better security. *Dated* 19 Dec. *Signed* and *sealed* by Nathaniel Drake, Vear of Sheffield, and 5 others, in the presence of Chris. Broomhead, Nevill Simmons, and Joseph Twigg (by his mark). [Read this day before the Select Committee, and proved by Francis Twigg. Com. Book.]

1475. Dec. 19. Clobery's Estate Act.—Amended Draft of an Act for the more speedy payment of the debts of John Clobery, Esq., deceased, and for the raising portions and maintenance for his children. The amendments in Select Committee were to except from the trust the property mortgaged to Edward Colston and John Pollexfen, and to insert a clause recovering part of that property in the trustees on payment of 2,900*l.* Com. Book 23 and 27 Jan. No amendment in the Commons. [Read 1<sup>st</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 487, 578. 11 & 12 Will. III. c. 30 in Long Cal.]

Annexed:—

(a) 18 Dec. Petition of Sir William Courtenay, Sir Thomas Leere, Bart., and Hugh Fortescue, Esq., trustees of John Clobery, Esq., deceased. Clobery devised part of his estate for payment of his debts and raising maintenance and portions for his eight daughters; but as the estate devised will fall short of the sum required by at least 10,000*l.*, Petitioners, on behalf of the infant heir and his sisters, pray for leave to bring in a Bill to enable them to make up the deficiency by selling some other parts of the estate. *Signed* Wm. Courtenay, Tho. Leere, Hugh Fortescue. L. J., XVI. 486.

(b) 17 Jan. Petition of John Pollexfen and Edward Colston. The Bill contains several parcels of land in the parishes of Wembury, Dunterton, and Lynkinghorne, in Devon and Cornwall, which were invested in Petitioners for a valuable consideration before Clobery's death, and are now in their possession. Pray to be heard in order that the lands in question may not be invested in any other person. *Signed* by John



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Pollexfen, on behalf of himself and Edward Colston. *Endorsed* as read this day, and Petitioners ordered to be heard before the Select Committee. L. J., XVI. 496. On 23 Jan. Mr. Pollexfen was called in before the Select Committee, and said they were in a fair way of aecomodating the matter, so he would not trouble the Committee further. Com. Book. *See also* Lords' amendments described above.

- (c) 27 Jan. Affidavit of James Codner, servant to Sir William Courtenay, that the latter had been almost wholly confined to the house for several years by the palsy in his right side, and for several months wholly confined to his chamber; and that he saw the certificate (Annex (d)) executed by Sir William. *Signed* James Codner. *Sworn* at Ford, Devon, on 17 Jan. before Roger Cannter, Extra Master in Chancery. [Produced before the Select Committee this day. Com. Book.]
- (d) 5 Feb. Certificate of Sir William Courtenay, of Powderham Castle, Devon, Bart., grandfather and next friend by the mother's side to John Clobery's children, that the Bill is chiefly prosecuted and desired by him for their benefit, and for payment of Clobery's debts, which amounted to 23,000*l.* or 24,000*l.*, the estate devised to meet them not being worth to be sold above 10,000*l.* *Dated* 17 Jan. *Signed* Wm. Courtenay and *sealed* in the presence of James Codner and Richard Clemens. [Produced and read before the Select Committee this day, and proved by Hugh Fortescue, Esq., Mr. John Pollexfen and Mr. Wm. Symonds, sworn at the Bar. The Certificate had been produced on 27 Jan. with an affidavit annexed of Sir William's signing and sealing (Annex (c)); but as the Order of the House directed that oath should be made *viva voce* thereof, and also of Sir William's inability to attend, the Committee ordered that the House's pleasure be known herein, or that Mr. Fortescue and Mr. Symonds, be sworn at the Bar to prove his signature. Com Book.]
- (e) 5 Feb. Certificate of Sir Thomas Leere, of Lyndridge, Devon, Bart., named as one of the trustees in the Bill, that he has accepted the trust, and that the Bill is necessary to save the family from ruin. *Dated* 17 Jan. *Signed* by Sir Thomas Leere and *sealed* in the presenece of William Ash and Richard Clemens. [Produced and read this day before the Select Committee, and proved by Mr. Fortescue and Mr. Symonds. Com. Book.]
- (e<sup>1</sup>) Affidavit of William Ash, servant to Sir Thomas Leere, that the latter has been confined to his chamber for more than a week by a severe fit of the gout, and that he saw the above certificate executed by Sir Thomas. *Signed* William Ash. *Sworn* at Lyndridge, Devon, on 17 Jan. before Roger Cannter, Extra Master in Chancery. [Appended to preceding.]
- (f) 5 Feb. Amendments offered by Mr. Pollexfen this day. The effect of these amendments is given above, in the principal paper. Com. Book.
- (g) 5 Feb. Paper of amendments made in Select Committee this day. Com. Book.

1476. Dec. 22. Writ of Summons (E. Coventry).—Writ of Summons to Thomas, E. Coventry. *Dated* 16 Nov. 1699. [Sat first in Parliament this day after the death of his father, L. J., XVI. 488.]



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1477. Dec. 22. Gardner's Estate Act.—Draft of an Act for vesting the real estate of Joseph Gardner and Sarah, his wife, late the estate of William Ridges, Esq., deceased, in trustees, to be sold for payment of the debts and legacy therein mentioned, and for applying the residue of the money upon the trusts therein specified. The only amendment was a purely clerical one, made in the Select Committee. Com. Book 26 and 31 Jan. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 488, 578. 11 & 12 Will. III. c. 32 in Long Cal.]

Annexed:—

(a) 18 Dec. Petition of Joseph Gardner, of London, merchant, and Sarah, his wife. William Ridges, Sarah Gardner's father, bequeathed to her 2,000*l.* payable at the age of 24 or day of marriage and 40*l.* a year in the meantime; to his sons John, Joseph, James and Charles he left his estate in St. John Street and St. John's Lane; his messuage in Smithfield to his son William for life, his house in Lincoln's Inn Fields to his son John in fee. All the above bequests were subject to the payment of debts. The Testator had mortgaged the estate in St. John Street and St. John's Lane to Sir Thomas Davis for 3,000*l.* John, the executor, transferred this mortgage to one Abraham Dolins, to whom he also mortgaged his house in Lincoln's Inn Fields for 500*l.*, without having paid his father's debts. Sarah Gardner, on attaining the age of 24 before her marriage, obtained a Decree in Chancery for the possession of the mortgaged premises on paying off the mortgage. She mortgaged the premises to pay off Dolins, and obtained a second Decree to foreclose her brothers' equity of redemption unless they paid her 5,731*l.* 5*s.*, due to her under the Will and on account of her payment to Dolins, and her brothers were foreclosed accordingly. On Petitioner's marriage with Joseph Gardner, her estate was entailed on their issue, but it is like to be swallowed up by the mortgage money borrowed to pay off Dolins, unless an Act is passed for the sale of the mortgaged premises to pay off the mortgage. Pray leave to bring in a Bill. *Signed* by both Petitioners. L. J., XVI. 486.

1478. Jan. 9. Hyde's Estate Bill (Petition).—Petition of Gertrude Hyde, widow and relict of Humphrey Hyde, late of Kingston Lisle, in the county of Berks., Esq., deceased. Petitioner's husband made a settlement reserving power to charge his estate by Will with a sum not exceeding 5,000*l.* for his younger children or otherwise, and afterwards, by his Will, appointed 4,600*l.* to his younger children and 50*l.* to the poor of Kingston Lisle; but some doubts arising on the construction of the settlement and Will taken together, the trustees cannot raise the money unless enabled by Act of Parliament. Prays leave to bring in a Bill for that purpose. *Signed* Ger. Hyde. [Read this day and leave given.\* L. J., XVI. 489.]

1479. Jan. 9. D'Harcourt's Naturalization Act.—Amended Draft of an Act for the naturalization of Oliver D'Harcourt and others. The amendments in Select Committee were to insert in the Bill the names of Michael Hubert, Alexander Hubert, David Gansepoel, Blaise Gervaisot [Pervaisot], John Gerard, John Swinford, and John Henrix.

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\* No Bill appears to have been introduced at this time. The children of Humphrey Hyde brought in a Bill in 1701, which received the Royal Assent. L. J., XVI. 656, 738.

Com. Book 26 Jan. In the Commons various other names were added which are set out in C. J., XIII. 272. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 489, 579. 12 Will. III. c. 58 in Long Cal.] 1699-1700. — No. 1479.

Annexed:—

- (a) 19 Dec. Petition of Oliver D'Harcourt, John Barraton and John Vaugensiunner, officers in the late Marine Regiment commanded by Col. Edward Dutton Colt. Petitioners have faithfully served his Majesty and the present Government since the beginning of the late wars, and were commanded on board the Straits Fleet under the command of Admiral Aylmer 6 Sept. 1698, since which time all the other common officers of the army that were foreigners have been naturalized. Pray that their being upon immediate service at that time may not be to their prejudice, but that they may have leave to bring in a Bill for their naturalization. *Signed* by all the Petitioners. *Endorsed* as read this day. L. J., XVI. 487. [Petitioners sworn at the Bar on 15 Jan. MS. Min. No entry in L. J.]
- (b) 9 Jan. Petition of Blaise Pervaisot, Lieutenant of Grenadiers in Col. Sanderson's Regiment of Foot, now disbanded. Petitioner has faithfully served his Majesty for seven years both in the English horse and foot, and after the disbanding of the Regiment was put on half pay, which he has received for a year. Being absent and sick in Flanders during the last Session, he could not be naturalized, so that his half-pay, which was the only support of himself and family, has been cut off ever since 15 March last. Petitioner, who is a French Protestant refugee, prays to be admitted to be naturalized. *Signed* by Petitioner. *Endorsed* as read this day. Petitioner added to the Bill. L. J., XVI. 490. [Petitioner sworn at the Bar on 15 Jan. MS. Min. No entry in L. J.]
- (c) 17 Jan. Petition of Michael Hubert, Gent., and Alexander Hubert, his son, an Infant. Petitioners, who are French Protestants and refugees, being about twelve years since forced out of their country by the severe persecution of the French King, took refuge in this Kingdom, where they have lived ever since with all zeal and duty to the Protestant interest, his Majesty's Government and good of the Kingdom, and being desirous to continue so doing, pray to be admitted to be naturalized. *Signed* Micaele Hubert. *Endorsed* as read this day. Petitioners added to the Bill. L. J., XVI. 495. [Michael Hubert sworn this day at the Bar. MS. Min. No entry in L. J.]
- (d) 17 Jan. Petition of David Gansepoel, late a Captain of a Company of Foot in Col. Holt's Regiment, now in the Leeward Islands. Petitioner, being come out of France, which he was forced to quit on account of his religion, about nine years since, was entertained in his Majesty's service as Captain of a Foot Company in the late Duke of Bolton's Regiment, now commanded by Col. Fox, where he has served ever since according to his duty until the late Act of Parliament for disbanding of foreigners. Prays to be admitted to be naturalized. *Signed* by Petitioner. *Endorsed* as read this day. [Petitioner added to the Bill. L. J., XVI. 495.]
- (e) 17 Jan. Petition of John Swinford and John Gerard, Gent. Petitioners, being Protestants, have for these eleven years past lived in the service and Kingdom of England, and have always



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expressed their duty, zeal and affection for the Protestant interest, his Majesty's Government and the Kingdom of England; and being very desirous to continue so, pray to be admitted to be naturalized. *Signed* by both Petitioners. *Endorsed* as read this day. [Petitioners added to the Bill. L. J., XVI. 495.]

(f) 23 Jan. Petition of John Hendrix, mariner. Petitioner is the son of an Englishwoman, is a Protestant, and so educated from his infancy; served an apprenticeship of seven years with an Englishman, a mariner, ever since, being 12 years, sailed in English ships. He is married to an Englishwoman, by whom he has several children, and has always expressed his duty and zeal to the Protestant interest, his Majesty's Government and the good of the Kingdom of England. Prays to be admitted to be naturalized, and, as he has many children, prays that his fees may be moderated. *Signed* by Petitioner. *Endorsed* as read this day. [Petitioner added to the Bill. L. J., XVI. 499.]

(g) 26 Jan. Lords' amendments made in Select Committee this day. Com. Book.

1480. Jan. 9. *Kirke v. Webb*.—Petition and Appeal of Thomas Kirke, Gent. Recites the particulars of the marriage settlement made by Sir Henry Wood, on his daughter's marriage with D. Southampton, of Sir Henry's Will, and of the Causes, *Wood alias Cranmer v. Webb*, and *Webb v. Kirke*, as set out in Henry Webb's Appeal in the latter Cause.\* The Decree of 8 Dec. 1698, appealed from in that Cause, obliged Henry to deliver up to Petitioner a chattel lease of 65*l.* per annum and to pay him 5,601*l.*, the residue of the Bishop's personal estate, but reserved for further consideration the matter relating to the Bishop's purchases during the lifetime of Petitioner's wife, of the value of 19,230*l.* On further hearing on 23 June 1699 before the L. Chancellor, the Master of the Rolls, and Mr. Justice Powell, so much of Petitioner's Bill as claimed payment of the remainder of his debt out of the Bishop's purchases was dismissed. Appeals against this dismissal, as the Bishop, according to Master Sir Robt. Legard's Report, had received 26,800*l.* out of Petitioner's wife's estate, and had paid most of his purchase money out of it. If that part of the Decree held good, trustees would be able to defeat their *cestui que trusts*, without remedy. Prays that Henry Webb, Thomas Webb and Sir Caesar Cranmer may be ordered to answer. *Signed* Thomas Kirke. *Countersigned* Nath. Wright, J. Pratt. L. J., XVI. 490. [At the Hearing on 7 March, *Mr. Serjeant Wright* and *Mr. Northey* appeared for Appellant, and *Sir Tho. Powys* and *Mr. Pooley* for Respondents. The Appeal was dismissed. MS. Min. 7 March. L. J., XVI. 539.]

Annexed:—

(a) 23 Jan. Several Answer of Thomas Webb. Respondent and Sir Caesar Cranmer, *alias* Wood, as heirs of their respective mothers, the Bishop's sisters, would have been entitled to his estate of inheritance had he died intestate. Insists on the provisions of the Bishop's Will. The dismissal complained of was just and should be affirmed. *Signed* Tho. Webb. *Countersigned* Dan. Foucaut. *Endorsed* as brought in this day.

\* See *Webb v. Kirke*. House of Lords MSS., Vol. III. (New Series), No. 1347.



- (b) 23 Jan. Several Answer of Henry Webb. If it had been true that the Bishop's purchases had been paid for out of Sir Henry Wood's estate, which is denied, they would not be liable to satisfy Appellant's claim. *Signed* Henry Webb. *Countersigned* Hen. Pooley. *Endorsed* as brought in this day. 1699-1700.  
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- (c) 5 Feb. Several Answer of Sir Cæsar Wood *alias* Cranmer, Knt. Admits the facts alleged in the Appeal, but says he himself was entitled to all Sir Henry Wood's real estate after the Duchess' death, and he saves to himself all right and claim he may have to the same. *Signed* Cæsar Wood *als.* Cranmer. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

1481. Jan. 11. *Mason v. Nugent* (E. Westmeath).—Petition and Appeal of Robert Mason, Gent. In 1682 Richard, late Earl of Westmeath, mortgaged certain lands in Westmeath and Roscommon to Sir John Parker, Knt., and devised them, so charged, to his grandson, Thomas Nugent, the Respondent. In 1691 Parker exhibited his Bill in Chancery in Ireland against Nugent, to compel payment or foreclosure, and in February 1692-93 an account was decreed. After many frivolous delays on Nugent's part, the Lord Chancellor decreed on 9 Feb. 1694-95 that he should pay about 1,945*l.* by the first of next Michaelmas term, with costs, or be foreclosed. On 19 Feb. 1694-95 Parker sold the premises to Petitioner, for valuable consideration. Nugent objected to this sale, on the ground that, on Parker's marriage, the premises were settled on trustees to certain uses. The time for repayment was twice enlarged, and Sir Edward Abney, the surviving trustee, in the meantime, by order of the Lord Chancellor, conveyed the premises to the two senior Six Clerks. On Nugent's suggestion that the lands were worth more than the mortgage money, he was invited to find a purchaser, but failed to find one who would offer the amount of the mortgage money, as lands were then of small value in Ireland. Mr. Nugent failed to redeem by 25 March 1696, the extended term allowed to him, and foreclosure followed. The Decree was signed and enrolled, and the premises were conveyed to Petitioner on 2 and 3 April 1696 for 1,945*l.* Sir John Parker died soon after. Petitioner found the lands in Roscommon let for only 80*l.* a year, and those in Westmeath for 50*l.*, much less than the interest of the purchase money. Thinking his title good, he planted the lands with Protestants, there never having been any but Papists there before, and he and his tenants laid out much money in improvements. In December 1696, however, Nugent exhibited a Bill in Chancery in Ireland praying to redeem, to which Petitioner pleaded the previous Decree, but his plea was reserved to the hearing, and he was compelled to answer the Bill, as also a supplemental Bill brought by Nugent in January 1697-98. On 4 Feb. 1698-99 the L. Chancellor decreed, contrary to his former Decree, that the profits of the lands should go in lieu of the interest, that the improvements should be valued, and that Mr. Nugent might redeem. In spite of the L. Chancellor's opinion that the matter had not been so fairly before the Court as that the Decree could be drawn up, it was drawn up, and on 17 Nov. 1699 Petitioner's plea was overruled and Nugent was allowed to redeem. Though by the pretended Act of 1688, repealing the Act of Settlement of Ireland, Nugent had obtained 7,000*l.* a year, the usual abatement of interest had been made in his case in stating the account. Petitioner appeals against the last Decree because he was a purchaser for valuable consideration, protected by previous Decrees and Orders, because his

- 1699-1700. plea ought to have been admitted, because there was no Bill of Review, and because of irregularities in the late proceedings on Nugent's two Bills. *Signed* Robt. Mason. *Countersigned* James Sloane, Fra. Annesley. L. J. XVI. 492. [At the Hearing on 12 March *Sir Thomas Powys* and *Sir Barth. Shore* were heard for Appellant. *Mr. Serjeant Wright*, for Respondent: Mr. Mason was not originally concerned. They have been in possession since 1691, and have paid more than the interest all along. The House cannot come in without making it with this man Mason an original Cause. *Mr. Filmer* also heard for Respondent: There never was but 1,900*l.* paid for the lands. The Appeal was dismissed. MS. Min. L. J., XVI. 545.]

Annexed:—

- (a) 29 Feb. Answer of Thomas Nugent, commonly called Earl of Westmeath. Respondent rectified the alleged irregularity by filing a replication. Prays the Decree may be affirmed with costs. *Signed* Westmeath. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

1482. Jan. 11. Attornies Bill.—Amended\* Draft of an Act for reducing the excessive numbers of attorneys, and of such as practise as attorneys. Whereas by an Act made at the Parliament holden in the 3rd year of the reign of the late King James the First, intituled An Act to reform the multitude and misdemeanours of attorneys and solicitors, and to avoid unnecessary suits and charges in Law, the great numbers of attorneys, being then found to be a public grievance, were intended to have been reduced, and none suffered to practise as attorneys but such as should be of known skill and honesty in that profession; Nevertheless, by reason of the connivance of some of the chief officers in the Courts at Westminster and others neglecting to put the said Act in due execution, the numbers of attorneys and such as practise as attorneys who have neither skill or integrity are now increased to more than ever, so as they cannot subsist by their lawful practice, but for a livelihood are forced to promote unjust and vexatious suits, to the disquiet and impoverishment of many of his Majesty's good subjects, and especially the poorer sort; For providing therefore some present remedy against so great an evil, may it please your most excellent Majesty that it may be enacted and Be it enacted &c. That the several Judges in the Courts at Westminster with the chief officers of the same Courts respectively shall and they are hereby required before the end of Easter Term which will be in the year of Our Lord 1700 strictly to examine the Rolls in their several Courts where the names of attorneys are entered, and make diligent inquiry of and concerning the ability and honesty of the persons there entered as attorneys, and of the counties, cities and places wherein they reside and practise, and to discharge such of them from practising as attorneys as upon their experiences or knowledge, or upon [common fame either] *due information*† on account of unskilfulness or undue practice shall, in their judgments or discretions, be found to be unfit to practise as attorneys in the said [county] Courts, and to disallow and punish all others who shall not be entered in the Rolls of the said Courts respectively who *shall presume to practise as attorneys there, and at the beginning of every Session of Parliament to give an account to both Houses of Parliament what they shall have acted or done in pursuance of this Act*

\* Additions in italics, omissions in square brackets.

† Amendment in Lords Select Committee on 17 Jan. See Com. Book.



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*in that behalf*;\* And be it further enacted by the authority aforesaid That none of the Judges or officers\* of the Courts aforesaid shall at any time hereafter permit or suffer any person to practise as an attorney in their respective Courts who [shall not be] *are not or*\* have not *been* there first admitted and sworn as by the Law or the Rules of the said Courts respectively is directed, nor shall admit or swear any person to be an attorney *nor suffer any to practise though already sworn*\* in any of the said Courts who shall not have been bred up and served for the space of five years at the least under some Judge, proto-notary, chief officer, or attorney of the Court wherein he desires to be admitted to practise, and who shall not produce *at the General Quarter Sessions held for that county*† a certificate and testimonial under the [hands and seals] *hand and seal*† of the Custos Rotulorum [and of] *which certificate shall likewise be signed at the said Quarter Sessions in open Court by all*† the Justices of the Peace *then present*† of the county or place where such person intends to reside and practise as an attorney, of his sufficiency and integrity for that profession, and who shall not upon examination of the Judges of the Court where he is to be admitted be found to be of skill and ability to practise as an attorney; and in case any person so discharged or disallowed from practising as an attorney or not being admitted *entered upon the Roll*\* and sworn upon such certificate and examination as aforesaid shall presume to practise as an attorney in any of his Majesty's Courts at Westminster, or in any inferior Court of Record\* either in his own name or in the name of any attorney, and also every sworn officer or attorney in any of the said Courts that shall let to rent or lend his name to any person or persons to practise as an attorney or that shall willingly or wittingly permit or suffer any person or persons being no attorney any wages to use or practise in his name as an attorney,\* every such person so offending and being thereof lawfully convicted shall be taken and adjudged to be a common barrater and be punished and suffer all such pains, penalties and forfeitures as a common barrater is or ought to undergo and suffer by the laws of this realm.‡ Provided always that this Act or anything therein contained shall not be prejudicial to any person or persons whatsoever who, by virtue of any particular\* office [or place] *seignior, liberty, or franchise*,† have or shall have the right of nominating or appointing any certain number of attornies or sworn clerks in any such office [or place] *seignior, liberty, or franchise*,† but that such person and persons may nominate and appoint and such attorneys or sworn clerks may hold and enjoy their said places and practices in like manner and as fully and amply to all intents and purposes as if this Act had not been made, anything herein contained to the contrary notwithstanding. [Read 1<sup>a</sup> this day. The Bill was referred to a Select Committee on 15 Jan. L. J., XVI. 491, 493. Amended in Select Committee on 17 Jan., and, on re-commitment, on 1 Feb. Com. Book. L. J., XVI. 503, 506. On 8 Feb. the Bill was sent to the Commons, where it dropped after First Reading. L. J., XVI. 508. C. J., XIII. 186, 297.]

Annexed:—

(a) 5 Feb. Paper of amendments made in the Select Committee on 17 Jan. and on re-commitment on 1 Feb. They are

\* Amendment in Lords' Select Committee on re-commitment made on 1 Feb. See Com. Book.

† Amendment in same Committee on 17 Jan. See Com. Book.

‡ Here is marked to be inserted the clause set out in (Annex (a)).



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practically the same as the amendments noted in the text of the Bill above, with the exception of the following clause, added on 1 Feb. (*see Com. Book*) and marked to be inserted after the word, *Realm*, (*see Text above*). It is as follows: And it is hereby also enacted that it shall not be lawful for any attorney in any of the said Courts at any time hereafter to receive or keep at one and the same time more than two covenanted clerks, and shall not receive or take a clerk for less than five years, but where a clerk shall have served some other attorney and shall be turned over to him; in which case such attorney shall receive and take such clerk for such time as, together with the time he served his former master, shall complete the term of five years, and not less. And, to the end this law may be the better observed, It is hereby enacted that every attorney for the future, within three months after he shall receive and take any person to be his covenant clerk, shall cause his Christian name and surname, and the day and year from whence he commences his service and clerkship, and also the time he is to serve, to be entered and written under or near his own name in the Roll where he himself is entered an attorney; and in case any clerk shall not be entered in manner aforesaid, all covenants and agreements for his fidelity and service shall be and are hereby made void, and such clerk shall also be incapable of being sworn an attorney. [Reported this day. L. J., XVI. 506.]

1483 Jan. 15. *Carroll v. Eustace* (Original and Cross Appeals). Petition and Appeal of James Carroll. Sir James Carroll being seised in fee of the dissolved Abbey and Rectory of Baltinglasse, co. Wicklow, mortgaged them in 1623 to Sir Thomas Roper, Knt., afterwards Viscount Baltinglasse, for 3,000*l.*, vesting them in Sir Robert Kennedy and John King as trustees by Letters Patent for that purpose. V. Baltinglasse then entered upon the premises, worth 1,500*l.*, and died in 1642. His son Thomas transferred the mortgage to Humphry Abdy, Esq., and after his death his executors, Sir Richard Reynall and Henry Whitefield, Esq., enjoyed the premises for several years, the equity of redemption descending to Sir Robert Kennedy, son and heir of Sir Richard, the only surviving Patentee. Sir James Carroll died in 1638, having had three wives. By his first wife he had two sons, James and John, who died without issue, and a daughter Elizabeth, wife of Owen Goghogan; by the second wife, he had three daughters Jane, Amy, and Sarah; and by the third, two sons James and Thomas. These two sons, who survived their father, succeeded to the property in turn, both dying without issue, whereby the title to the property descended to James Carroll, Petitioner's father, who was the son of Sir James Carroll's brother John, and then to Petitioner, on his father's death; but Sir James's daughters, after their brothers' deaths, took possession of the premises and title deeds, and, by confederacy with Sir Maurice Eustace, Knt., and others, exhibited in 1673 a Bill in the Chancery of the Court of Exchequer in Ireland, against Anne, Viscountess Baltinglasse, relict of Sir Thomas Roper's son, Sir Richard Reynall, Henry Whitefield, and others. In 1676, without making Petitioner and his father parties, they procured a Decree that the premises should continue to Kennedy, the surviving Patentee, in trust for the heirs of Sir James, after paying off the mortgage to Abdy's executors, though it had long ago been covered by the profits. The property was then conveyed to Sir Maurice

Eustace, on the pretext that he had paid off the mortgage, whereas it really belonged to Petitioner as administrator to V. Baltinglasse, the son and administrator *de bonis non* to the Viscount, his father. Whatever estate the son had, descended to his brother Christopher, whose two daughters and co-heirs, Catherine and Dorothy, conveyed it to Petitioner. In 1683 Petitioner exhibited a Bill in Chancery in Ireland against Eustace, Reynall, Whitfeild, Kennedy and others for an account of the rents and profits. The Defendants in their Answer denied Petitioner's right on the ground that neither his father nor his grandfather ever married, and that if he or his father had any right, they released it in 1662. In 1686 Eustace brought a Cross Bill to the same effect, and alleged that he had spent 10,000*l.* in disencumbering the property, the principal and interest of Abdy's mortgage being 15,000*l.* On the hearing the issues were directed to be tried of Petitioner's legitimacy and the pretended release in 1662, and in the King's Bench in Ireland they were decided in Petitioner's favour in May 1688. In June a new trial in the Common Pleas of the second issue was ordered, but deferred on the suggestion that Eustace was with King James opposing the invasion of the Dutch. The Revolution interfered with further proceedings until 1690, when Eustace insisted on a new trial, which was granted on the second issue as previously ordered, all temporary bars being ordered to be laid aside. After delays caused by Eustace who set up his Privilege as a member of Parliament, the issue was tried in 1695, when Eustace insisted on the mortgage and other temporary bars, and obtained a verdict, though the Judges certified that it should have been given for Petitioner, but for the temporary bars. In 1698 the Lord Chancellor and the three Chief Justices decreed the right of redemption to Petitioner, and in June 1699 the Lord Chancellor confirmed this right, Petitioner repaid Eustace what he had paid to Abdy's executors and the co-heirs of Sir James Carroll, his costs in Chancery and also a proportionate part of any improvements. Petitioner was also to confirm the leases made by Eustace, who was not to account for the mesne profits. Petitioner appeals on the ground that he ought to pay only the overplus after account of the mesne profits, that nothing should have been paid to the co-heirs, who had no right, that Eustace had profited from any improvements, that Petitioner was the sufferer, and should not have to pay Eustace's costs, nor confirm his leases, and that Eustace ought to account for mesne profits. *Signed* James Carrol. *Countersigned* James Sloane, Fra. Annesley. L. J., XVI. 493. [At the Hearing on 21 March *Mr. Serjeant Wright* heard for the Appellant: We are by the Decree to redeem, but on such terms as is not usual. *Sir Tho. Powys* heard on the same side. *Sir Barth. Shore*, for the Respondent: We think some time ought to be given for redemption of mortgages. *Mr. Pooley* is also heard. *Mr. Serjt. Wright*: It is very reasonable that Sir Maurice account for the profits he has received. *Sir Tho. Powys*: Shall not the mortgagee have the profits received? It is confessed by Lady Baltinglasse and Sir Rich. Reynalls that it is a mortgage. The Chancery always allows account for profits received. MS. Min. Judgment given the same day in favour of Carroll. L. J., XVI. 555.]

1699-1700.

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No. 1483.

Annexed:—

- (a) 7 March. Answer of Sir Maurice Eustace, Knt. Appellant has no ground of complaint against the Decree, but no Decree ought to have been given in his favour. Respondent hopes the Appeal will be dismissed with costs. *Signed* Mau. Eustace. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

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1699-1700.

No. 1483.

- (b) 7 March. Petition and Cross Appeal of Sir Maurice Eustace, Knt. Recites the facts stated in Carroll's Appeal above. The first mortgage was for 60 years to Sir John Roper, afterwards V. Baltinglasse, and Sir John Brereton, increased to 1,000 years. Sir James Carroll died in 1640, and his two sons died infants about 9 years after, without ever having been in possession, as their estate was not in fee, but a trust for the co-heirs. Petitioner purchased their rights, and has spent 20,000*l.* on the property. The Appellant claims as heir of the whole blood to Sir James's sons, whereas he is illegitimate. The mortgagees have been in possession for 64 years. They were not disturbed for forty years, so that it is now difficult to prove Appellant's illegitimacy. Such proof, however, has been discovered by Petitioner since the Decree was pronounced. Petitioner ought not to be ousted from his property without a rehearing. The verdict against him was procured by foul means. Appeals against the Decree, and prays that Carroll, having all the papers for his defence now in town, may be ordered to answer in a short time. *Signed* Mau. Eustace. *Countersigned* Hen. Poley, Ric. Turner. L. J., XVI. 539.
- (c) 9 March. Answer of James Carroll, Esq., to the Cross Appeal. The terms imposed upon him by the Decree are too hard, but the Decree is just in giving him the redemption. Prays the Cross Appeal may be dismissed with costs. *Signed* James Carroll. *Countersigned* N. Wright, Fran. Anuesley. *Endorsed* as brought in this day.
- (d) 15 March. Petition of William Temple, of the city of London, Esq. Petitioner is heir-at-law and administrator of Anne, late Viscountess Baltinglasse, and so entitled to the premises in dispute, the title deeds of which are in the hands of Eustace, who made use of them, particularly the release in 1662 of James Carroll's father to V. Baltinglasse, to bar Carroll's pretensions. Petitioner has exhibited his Bill in Chancery in Ireland against Carroll and Eustace, the latter of whom refused to answer, and has been ordered to do so. Prays that there may be a saving of Petitioner's right in any Order to be made by the House on the Appeal. *Signed* Will. Temple. *Endorsed* as read this day. L. J., XVI. 548.
- (e) 22 March. Petition of Sir Maurice Eustace. At the Hearing of the Cause yesterday Petitioner's Counsel wished to have some proofs read of the illegitimacy of James Carroll's father and of his release of his right to the premises, but was prevented by Carroll's Counsel stating that no proofs to these points were read in the Court below, whereas in truth divers proofs to those points were read, as might have been shown by the annexed notes of the hearing; but Petitioner could not find them among the vast number of other papers. If allowed to be read, the proofs would have affected the Judgment of the House. In consequence of this misfortune Petitioner is in danger of losing his estate, on which he has spent more than it is worth, and the church and other pious uses will suffer, as Petitioner's uncle, the late Lord Chancellor Eustace, settled the impropriate Rectory of Baltinglasse, worth 350*l.* a year, to the use and support of preaching ministers and for the erecting and endowing a free school there. Prays for a day to read the proofs read at the hearing below. *Signed* Mau. Eustace.



*Endorsed* Offered 22 March; read and rejected 23 March 1699. L. J., XVI. 556, 558. [*See also next paper.*] 1699-1700.

(f) Copy of the notes of evidence read at the last hearing, to prove Carroll's bastardy and release. *Dated* 7 Dec. 1698. No. 1483.  
*Signed* Fran. Burton, D. Regr. *Examined* 2 Feb. 1699. These contain notes of witnesses examined as to the bastardy, as to an erasure by James Carroll in the church book, which was produced, and to prove the release by James Carroll in 1662 to L. Baltinglasse for 20*l.* down and 20*l.* on the following 29 Sept. [Appended to preceding.]

1484. Jan. 16. Blackwell Hall Market Bill.\*—Commons' Engrossment of an Act for the more effectual execution of an Act intituled an Act to restore the Market at Blackwell Hall to the clothiers and for regulating the factors there.

Whereas an Act made in the Session of Parliament held in the eighth and ninth years of the reign of his present Majesty, intituled an Act to restore the Market of Blackwell Hall to the clothiers, and for regulating the factors there, hath not been duly observed: Now the better to enforce the execution thereof, Be it enacted by the King's Most Excellent Majesty, etc., that in case any person or persons after *the five and twentieth day of March, one thousand seven hundred*, shall buy any cloth of any factor, packer, drawer, clothworker, or other person or persons (except of the owner of the cloth) otherwise than for ready money, then every such factor, packer, drawer, clothworker, person and persons selling the same cloth shall, within twelve days next after the sale and delivery thereof, take or demand a note in writing from every such buyer or buyers, testifying under the hand of such buyer or buyers, the cloth so sold, the sum or sums of money such cloth is sold for and payable by such buyer or buyers to the owner or owners of such cloth, or to his order, according to the contract made on sale thereof, and shall on demand deliver every such note, with notice thereon written of such buyer or buyers' usual place of abode, to the owner or owners of the cloth so sold, or to any person authorised by the same owner to demand or receive the same, on pain to forfeit to the owner or owners of the same cloth so sold, for every neglect or refusal of demanding such note or such delivery thereof with notice as aforesaid, the sum of five pounds [for every cloth so sold and delivered as aforesaid] to be sued for and recovered by *the owner or owners of such cloth by action of debt, bill, plaint, or information in any of his Majesty's Courts of Record, in which no essoign, wager of law, or protection, and but one imparlance shall be allowed.* And if any such buyer or buyers of any cloth as aforesaid for money not in hand paid at the time of the buying thereof shall refuse or neglect to give any such note or notes as aforesaid for the space of *thirty* days next after the demand of any such note or notes by the factor, packer, drawer, clothworker, person or persons selling the same cloth, then every buyer and buyers shall forfeit and pay to the owner and owners of the cloth so bought the sum of *five pounds.* *And whereas it has been doubted that the said recited Act of Parliament does extend to the Market at Blackwell Hall for flannels, linseys, serges, bayes, kerseys, and cottons Be it declared and enacted by the authority aforesaid that the said Act, or anything therein contained, does not extend to the said Market for flannels, linseys, serges, bayes, kerseys, cottons, or*

\* The differences between this Bill and that of 1698-9 are printed in Italics. See House of Lords MSS. Vol. III. (New Series) No. 1395.

- 1699-1700. *any of them, but that the said Market at Blackwell Hall for flannels, linseys, serges, bayes, kerseys, and cottons may and shall be held, and*  
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 No. 1484. *the owners of all such flannels, linseys, serges, bayes, kerseys, and cottons, and the factors employed to sell the same shall and may have free access to their warehouses in the said Hall to sell or carry away any such flannels, linseys, serges, bayes, kerseys, or cottons in such manner as was formerly used before the making of the said Act, anything therein contained to the contrary notwithstanding. Provided always and be it enacted by the authority aforesaid that no person or persons shall be liable to any other penalty or penalties, or to any other action or actions, person or persons whatsoever for or in respect of any offence by him or them committed contrary to this Act than is hereinbefore mentioned and expressed, any law or statute to the contrary notwithstanding. Provided also that the clothiers or owners of cloth, and their factors or agents shall and may have liberty and free access to their standings and warehouses in the said Hall, there to sell or carry away any woollen cloth there sold, in such manner as was formerly used before the making the said Act, the said Act or any law or usage to the contrary notwithstanding. And be it further enacted by the authority aforesaid that the public Market at Blackwell Hall shall begin and be held on every of the days in the said Act of Parliament appointed for holding the same, at and from nine of the clock in the forenoon of the same day, and not before, anything in the said Act contained to the contrary notwithstanding. Provided also that this Act or the said recited Act shall not extend to charge any person or persons with any the penalties in this or the said recited Act contained for any offence by him or them committed unless the suit or prosecution for the same be commenced within one year next after the offence by him or them committed. Parchment Collection. [Brought from the Commons and read 1<sup>a</sup> this day. L. J., XVI. 494. Read 2<sup>a</sup> and committed on 17 Jan. *Ib.* 496. No further proceedings.]*

1485. Jan. 16. E. Bath's Privilege (Million).—Petition of John, Earl of Bath. He has been for several years in quiet possession of a farm called Finckley Park, in the county of Southampton, part of the late D. Albemarle's estate settled on Petitioner and his heirs; but in October last one Henry Million, agent of William Sherwin and Elizabeth, his wife, delivered by their order a declaration of ejectment to Edmond Rolph, Petitioner's tenant of Finckley, contrary to Privilege of Parliament. Insists upon his Privilege against a Cause carried on for scandal and vexation only, in the face of two verdicts at King's Bench, and prays the House will take into consideration the breach of Privilege. *Signed Bath.* L. J., XVI. 494. [On the Petition being read this day, *E. Bath* was heard: One Sherwin is the person complained of. He is a broken tradesman, and now writes himself Esquire. *Edmond Rolph*, the tenant, one *Mowley*, and *Robt. Grenway* were sworn and gave evidence as to the service of the ejectment, and of Sherwin having owned he had employed Million. Ordered that Sherwin and Million be attached. MS. Min.]

1486. Jan. 16. Darien Scheme.—Letter [from Secretary Vernon] to the Governors in [America and] the West Indies about the Scots [settlement at Darien], as follows—His Majesty having received advice from the Island of Jamaica that several ships of force fitted out in Scotland were arrived at the Island of St. Thomas, with an intention as they declared, to settle themselves in some parts of America, their design being unknown to his Majesty, lest the same should derogate



from the treaties his Majesty has entered into with the Crown of Spain, or be otherwise prejudicial to any of his Majesty's Colonies in the West Indies, his Majesty commands me to signify his pleasure to you, that you strictly enjoin all his Majesty's subjects, or others inhabiting within the districts of your government, that they forbear holding any correspondence with, or giving any assistance to, any of the said persons while they are engaged in the aforesaid enterprise; and that no provisions, arms, ammunition, or other necessities whatsoever, be carried to them from thence, or be permitted to be carried either in their own vessels or any other ship or vessel for their use. His Majesty requires that you do not fail herein, but take particular care that the above-mentioned directions be duly observed, and that you send hither an account of your proceeding in the execution of these his commands.

*Signed* Ja. Vernon. *Dated* Whitehall, 2 Jan. 1698-9. *Noted* sent to—

My Lord Bellomont, Governor of the Massachusetts Bay, New York and New Hampshire.

Ralph Grey, Esq., Governor of Barbados.

Sir Wm. Beeston, Governor of Jamaica.

Francis Nicholson, Governor of Virginia.

Nath. Blakiston, Governor of Maryland.

Saml. Day, Governor of Bermuda.

Major Wm. Burt, President, and the rest of the Council of Nevis.

Governor or Dep. Governor of Connecticut.

Governor or Dep. Governor of East and West New Jersey.

Governor or Dep. Governor of Pennsylvania.

Governor or Dep. Governor of Carolina.

Governor or Dep. Governor of the Bahama Islands.

Governor or Dep. Governor of Rhode Island.

[Read this day. L. J., XVI. 494.]

On 10 Jan. The House, *On Motion*,\* *Ordered* that on 16th the present posture of affairs in Scotland, relating to the business of Darien, should be taken into consideration. On 16 Jan. the above letter and the other documents mentioned in L. J., XVI. 495, were read, and a debate arose. *Moved* to have the opinion of the Commissioners of the Customs how far the colony at Darien may be prejudicial to the plantation trade; to address the King that the Treaty of '70 with Spain, and the Spanish Memorial relating to Darien (Annex (b)) might be laid before the House. *Moved* to adjourn this debate to another day. *Ordered* as in L. J., XVI. 495. On 18 Jan. E. Stamford brought in from the Council of Trade and Plantations a Paper (Annex (a)), pursuant to the Order of 16th inst., which was read. E. Jersey, Principal Secretary of State, brought into this House the Spanish Ambassador's complaint about the Scotch settlement (Annex (b)), which was read. He also brought in a printed book wherein the Articles of the Treaty with Spain concerning America were, which was read out of the printed book. *Moved* to adjourn the debate, That the Scotch settlement at Darien is prejudicial to the trade of England, and contrary to the Treaty between the Crown of England and Spain. *Proposed* to declare as above. The Address of both Houses of 13 Dec. 1695 read. *Proposed* to adjourn the debate. *Proposed* to declare that the settlement of the Scotch colony at Darien is prejudicial to our plantation trade. That the King's pleasure signified to his Governors of the Plantations concerning the Scotch colony at Darien was agreeable to the Address

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\* After an expunged motion to appoint a day to consider of some steps towards making an Union between the two Kingdoms. MS. Min.



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of both Houses. *On Question*: Whether the debate shall be now adjourned? The proposed declaration, That the King's pleasure, &c., as in L. J., XVI. 497, was agreed to. After several postponements, the debate was resumed on 8 Feb., when part of a letter out of a printed book was cited. *Proposed* an Address to the King in this case, humbly to represent to him that the settlement at Darien may be prejudicial to the Treaty with Spain. The House was informed that his Majesty had discountenanced the settlement to four persons of Scotland. *Moved* not to address the King. After debate, *Proposed* to declare that the settlement at Darien is prejudicial to the trade of England. An Address to the King to that effect proposed. *Proposed* that the King be moved to appoint a council of English and Scotch to debate the affairs of both Kingdoms and represent them to his Majesty. After long debate, *Proposed* to declare that the Scotch colony at Darien is inconsistent with the benefit of the trade of England. After debate, the *Question* was proposed that the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this Kingdom. Then the *Previous Question* was put: Whether this *Question* shall be now put? *Resolved* in the affirmative by 32 to 26: Tellers E. Northampton and E. Rivers. Then the *Main Question*\* was resolved in the affirmative, and a Committee was appointed to draw an Address pursuant to the resolution.† On 10 Feb. the Address was reported from the Select Committee and read. The Preamble was respite or postponed. *Proposed* to move the King for papers relating to treaty of conference with gentlemen of Scotland. The second paragraph agreed to after debate. The third and other paragraphs agreed to, and leave given to protest. L. J., XVI. 511. After debate, Address agreed to. *Moved* to appoint a time to take into consideration of the Union between Scotland and England. *Ordered* that the Address be presented by the Lords with White Staves. Then the Order was made as to the Union. *Ib.* 512. The King's answer to the Address was reported on 12 Feb. MS. Min. L. J., XVI. 491-514. On 13 Feb. the L. Jersey acquainted the House that he had his Majesty's answer signed at the top, which was read, and he took back the other delivered yesterday. MS. Min.

Annexed:—

- (a) 18 Jan. Opinion of the Commissioners of Trade and Plantation, addressed to the House of Lords, concerning the colony at Darien, as follows: In obedience to your Lordships' Order of the 16th instant, requiring us to lay before your Lordships our opinion how consistent the colony at Darien may be with the treaties with Spain and the trade of this Kingdom, we humbly offer to your Lordships: That the Isthmus of Darien is a tract of land lying between the Kingdoms of Peru and Mexico, or New Spain, and part of what is called by the Spaniards *terra firma* or *Castella aurea*, being in the centre of all the most valuable dominions of Spain in America. That it appears by the most approved books and historical accounts of the West Indies [*Margin.* Joan. de Lact. Descr. Amer. lib. 8 cap. 8, 9, 10.] that the Spaniards settled themselves there in the year 1510; and that one Enciso, a Spaniard, first discovered

\* *Viz.*, That the settlement of the Scotch colony at Darien is inconsistent with the good of the plantation trade of this Kingdom.

† Thirteen Peers protested against putting the Question, four of whom stated their reasons. See *Protests of the Lords*. Vol. I., p. 137. Edited by J. E. Thorold Rogers. Ten Peers entered their protest against the Address to the King.

the river called Darien, and built a town upon it, which he named Sta. Maria Antiqua, afterwards erected into a bishopric. But when Vasquez Nunez Balboa had discovered the South Sea, Petreio Davilla, then governor of the province of Darien, under the King of Spain, in the year 1519, removed the inhabitants from Sta. Maria to Panama, alleging the unhealthiness of the air for his so doing. That it appears also that the province of Darien has been so divided by the Government of Spain, that all on the one side of the river was allotted to the Audiencia or Presidentship of Panama, and the other side to that of Carthagena. [*Margin.* Herrera, Historiographer to the K. of Spain. Cap. 15.] And though the Spaniards having built several towns in Darien, did afterwards demolish them, and retire to other neighbouring places, as they were invited by convenience or advantage, yet this changing of habitations is not judged a dereliction of the territorial property of the province, which they have always esteemed to be and remain entire in the Crown of Spain and in their possession: the inhabitants being only removed some to Panama, others to Portobello and Carthagena, which three places are the extremities that in a manner environ and comprehend the isthmus of Darien. [*Margin.* Quod si quid universum occupatum in singulos dominos descriptum non est non ideo vacuum censeri debet, manet enim in dominio primi occupatoris, puta populi aut Regis, &c. Grot. de Jure Bel. & Pacis lib. 2<sup>o</sup> Capt. 2.]. As to the consistency of a colony of his Majesty's subjects at Darien with the treaties between his Majesty and Spain and with the trade of this Kingdom, we further humbly offer: That after great hostilities exercised for many years between us and the Spaniards in America, a treaty for composing of differences, restraining of depredations, and establishing of peace in America between the Crowns of Great Britain and Spain was concluded at Madrid the 8/18 July 1670, with particular regard to the ascertaining and settling the possessions of each Crown in those parts; wherein, amongst other things, it is agreed by the seventh Article, That the King of Great Britain, his heirs and successors, should have, hold, keep and enjoy for ever, with plenary right of sovereignty, dominion, possession and propriety, all those lands, regions, islands, colonies and places whatsoever, being or situated in the West Indies, or in any part of America, which the said King of Great Britain and his subjects did then hold and possess. As also by the eighth Article: That the subjects and inhabitants, merchants, captains, masters of ships, mariners of the Kingdoms, provinces and dominions of each confederate respectively, should abstain and forbear to sail and trade in the ports and havens which have fortifications, castles, magazines, or warehouses, and in all places whatsoever possessed by the other party in the West Indies, viz. The subjects of the King of Great Britain should not sail unto and trade in the havens and places which the Catholic King holdeth in the said Indies. Nor in like manner should the subjects of the King of Spain sail unto or trade in those places which were possessed there by the King of Great Britain. That since the concluding of the said treaty, it has always been understood and insisted on by the Spaniards, from a constructive equity of the seventh Article, that as it is agreed that the King of Great Britain, his heirs and successors, shall for ever have and enjoy

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all places and lands then possessed by his subjects in the West Indies (of which number the country of Darien was none), so the King of Spain is equally and reciprocally to have and hold such places as were then possessed by his subjects. And such has been the force of this treaty, that as the subjects of all other European princes have forbore to plant a colony or make any settlement upon Darien, so also his Majesty's subjects have always, till on the late occasion, had such regard thereunto as never to attempt the same, which cannot be imputed to any want of knowledge of those parts. For that not only the English, but also the French and Dutch have long been as well acquainted with that coast and territory as any other whatsoever in America, and many proposals have been made from time to time to the Government of England to that effect. But the chief consideration against it has been, that such a thing could not be compassed without a rupture with the Spaniards, who have constantly insisted on their right to that territory, and do particularly endeavour to secure their property and possession thereof by their Armadilla or Barlovento Fleet, which cruises yearly upon that coast, as it does upon the other coasts of their dominions in America. And to evidence of what great consequence the Spaniards do esteem it to themselves that this country be untouched by any foreigner, we cannot but take notice that the treasures of Peru are carried by the South Sea to Panama, and from thence overland by the province of Darien to Portobello; so that the Spaniard will unavoidably be ever jealous of any neighbourhood that may seem to interrupt the communication betwixt the South and North Seas. As it may be judged from continued observations and experience that they will never, unless forced by conquest, suffer any other Europeans to plant themselves upon the mainland betwixt the Empires of Peru and Mexico; whereof we have a strong instance in that they would never hitherto permit us quietly so much as to ent logwood in the bay of Campeche upon the coast of Pueatan lying upon the same tract of land, near unto which, at a place called Port Royal, there was some years past a small colony of about 300 English, disavowed by the Government of England, whom the Spaniards seized, destroying many of them upon the place, and carrying others to Mexico, where they kept them working in chains. This they did, lest by degrees, we should habituate ourselves in those parts and settle there. Upon the whole matter, we are humbly of opinion, that such is the continued claim of the Spaniards to this country, that the planting a colony and making a settlement upon Darien, by his Majesty's subjects, is what must touch them in the most sensible and vital part, and that the doing of it would inevitably involve his Majesty in such differences with Spain as may prove fatal to the peace and good accord between the two Crowns, and consequently be destructive of our trade and highly prejudicial to our plantations in America. But supposing no such war should ensue from the settling a colony of Scotch as has been lately attempted, it would nevertheless be highly mischievous to our said plantations and principally to the island of Jamaica, the most important of any of them, by alluring away their inhabitants with the hopes of mines and treasure, and diverting the present course of trade, which is of the greatest advantage to England. All which is



most humbly submitted, &c. *Signed* Stamford, Lexington, 1699-1700.  
 Ph. Meadows, William Blathwayt, John Pollexfen, Abr. Hill, —  
 George Stepney. *Dated* Whitehall, Jan. 18. *Endorsed* as No. 1486.  
 read this day. L. J., XVI. 497.

- (b) 18 Jan. Spanish Ambassador's Memorial, concerning the Scotch settlement at Darien, as follows: Comme Monseigneur l'Ambassadeur d'Espagne se trouve obligé par ordre exprès de représenter à sa Majesté Britannique ce qu'il suit, il prie Monsieur de Vernon de représenter à la dite Majesté que le Roi, son maître, se trouvant informé des différents endroits et dernièrement par le Gouverneur de la Havane, de l'insulte et attentat de quelques uns navires Ecossois, équipés avec gens et tripulation [sic] requises tâchent de prendre poste dans les souveraines domaines de sa Majesté dans l'Amerique et en particulier dans la province de Darien. Sa Majesté a reçu ces notices avec beaucoup de désagrément, comme une marque de peu d'amitié, et rupture de l'alliance qu'il y a entre ces deux Couronnes, (laquelle sa Majesté a observé jusques ici, et observe toujours fort religieusement, de laquelle ont resulté tant d'avantages et tant d'utilités tant à sa Majesté qu'à ses sujets), en suite de la quelle bonne correspondance sa Majesté ne s'attendoit à des pareilles soudains insultes et attentats de sujets de sa Majesté, et cela en temps de paix, sans prétexte ni aucune autre cause, dans le plus intérieur de ses domaines. Tout ce que le Roi veut qu'il soit présent à sa Majesté B., et que sa Majesté se trouve fort sensible des pareilles hostilités et injustes procedures, contre lesquelles sa Majesté prendra les mesures qui conviendront. *Dated* Londres le 3me. de May 1699. *Endorsed* R. 3 May /99. [Read this day. L. J., XVI. 497. MS. Min. 16 Jan.]

(c) 18 Jan. Translation of preceding.

1487. Jan. 17. Cowper's Estate Act.—Amended Draft of an Act for vesting part of the estate of Thomas Cowper, of the city of Chester, Esquire, in trustees for payment of debts. The amendments in the Select Committee were to fill in the names of the trustees, besides three clerical amendments. No amendment in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 495, 579. 12 Will. III. c. 46 in Long Cal. In Select Committee on 7 Feb. Mr. Robert Callis, one of the trustees (sworn), said he paid 700*l.* of the money expended in repairing the Golden Talbot, in Chester, for Mr. Cowper, and he knows he has expended 200*l.* more on other improvements. Com. Book.]

Annexed:—

- (a) 16 Jan. Petition of Thomas Cowper, Gentleman. He is tenant for life without impeachment of waste of property in the city and county of Chester by virtue of deeds of settlement made by his late father, Thomas Cowper, one of which was upon his marriage with Martha, his now wife, and another a voluntary one, with power of revocation and a proviso that his father might charge a sum of money on the Golden Talbot in Chester, then in a ruinous condition, which was part of the premises thereby given. His father died without executing any of the said powers. The marriage settlement gives Petitioner power to charge on the premises therein mentioned 500*l.* for payment of his debts and 500*l.* for the increase of the portions thereby charged. The property is entailed on Petitioner's sons,

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failing whom, on his brother John Cowper and his sons, with remainder to the father's right heirs. Petitioner has laid out near 800*l.* on the Golden Talbot, and other sums on improvements, becoming thereby 1,800*l.* in debt, which he cannot pay even by cutting down the timber. He has a son and daughter, the eldest only 4 years of age, so that he cannot raise the money by fine and recovery. He has moreover power, by the marriage settlement to charge the premises with 100*l.* a year for a jointure for a second wife and 500*l.* for the children of a second marriage, which he is willing to forego if allowed to sell so much of the premises as will raise the 1,800*l.* Prays leave to bring in a Bill for that purpose. *Signed* by Petitioner. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 494.

1488. Jan. 18. Writ of Summons (L. Maynard).—Writ of Summons, to Banister, L. Maynard. *Dated* 3 Jan. 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 496.]

1489. Jan. 19. Butler's Estate Act —Amended Draft of an Act to enable Henry Butler, Esq., to make leases of part of his estate in Lancashire for discharge of incumbrances thereupon. The only amendment made in the Select Committee was to add a proviso (Annex (c)) charging the property with 40*l.* a year for the eldest son on his coming of age. Com. Book. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 497, 579. 12 Will. III. c. 45 in Long Cal.]

Annexed :—

(a) 11 Jan. Petition of Henry Butler, Esq. Petitioner, on his marriage was made by his father tenant for life of the manors or lordships of Out Rawcliffe and Stalmine-cum-Stenow and other lands in Lancaster, to the value of 600*l.* a year, with remainders in tail male to his sons successively, and then to his brothers Richard, George, Thomas, Christopher and John and their sons. The premises were charged with a rentcharge of 60*l.* a year to his father's widow and 20*l.* a year to his brother Richard. Petitioner had power also to charge them with 100*l.* a year for his second wife. The charge is now executed, as after the death of his first wife, leaving only two sons, Richard and Nicholas, Petitioner married again. Petitioner's father also charged the premises with 500*l.* for his younger children, and Petitioner had power to charge them with 500*l.* for payment of debts or any other uses. Prays leave to bring in a Bill to demise 100 acres, of the yearly value of 80*l.*, for 31 years, towards raising these two sums of 500*l.* \* *Signed* by Petitioner. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 491.

(b) 9 Feb. Paper containing the amendment made in Select Committee this day. Com. Book.

(c) 9 Feb. Draft proviso inserted this day in Select Committee.

(d) Office copy of Act, signed by William Cowper, Clerk of the Parliaments.

1490. 19 Jan. Writ of Summons (E. Shaftesbury).—Writ of Summons to Anthony, E. Shaftesbury. *Dated* 16th Nov. 1699. [Sat first in Parliament this day after the death of his father. L. J., XVI. 497.]



**1491.** Jan 24. Holman's Estate Act (Perrott and Parran).— **1699-1700.**  
 Amended Draft of an Act to supply the loss of certain indentures of  
 lease and release heretofore made by Philip Holman, Esq., since  
 deceased, to George Holman, his son, now also deceased. The two  
 amendments made in the Select Committee were purely clerical. Com.  
 Book. There were no amendments in the Commons. [Read 1<sup>a</sup> this  
 day. Royal Assent 11 April 1700. L. J., XVI., 499 579. 12 Will.  
 III. c. 44 in Long Cal.] **No. 1491.**

Annexed:—

(a) 19 Jan. Petition of James Perrott, of Northleigh, in the county of Oxford, Esq., and John Parran, of Bainton Manor, in the said county of Oxford, Esq. Philip Holman, Esq., left by his Will all his estates in the county of Oxford to his eldest son George, with several remainders over. Afterwards, by indentures of lease and release, he granted to his said son absolutely the manors of Northleigh, Holy Court and Ardley. He died shortly afterwards, without revoking his Will except by the said indentures. George Holman, the son, sold to James Perrott, Esq., since deceased, and to Petitioner Perrott, the first two manors for 5,730*l.*, and Petitioner Parran purchased Ardley for 4,000*l.* The indentures are lost; George Holman is dead, and his son and heir, being only ten years old, cannot confirm the purchases, so that Petitioners cannot satisfy a purchaser or dispose of the manors to their best advantage. Pray leave to bring in a Bill to supply the loss of the indentures. *Signed* by both Petitioners. *Endorsed* as read this day. Leave was given to bring in a Bill. L. J., XVI. 497.

(b) 8 Feb. Paper of amendments made in Select Committee this day. Com. Book.

**1492.** 24 Jan. Merefield's Estate Act.—Amended Draft of an Act for [the] settling of the lands, tenements, and hereditaments, late of Robert Merefield and John Merefield, Esquires, deceased, and for ascertaining the proportions between the widow of the said Robert and his surviving children. The amendments in the Select Committee were to insert in the general saving clause at the end the names of Joan Merefield, the widow, and Roger Cosens. The other amendments were of a drafting character. Com. Book. The Commons inserted the name of Honor Holloway in the saving clause at the end of the Bill. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 501, 579. 12 Will. III. c. 36 in Long Cal.]

Annexed:—

(a) 23 Jan. Petition of Lydia Merefield, widow, and Robert Merefield, her son, an infant, John Donne and Alice, his wife, William Merefield and Susannah, his wife. There have been divers suits in Chancery, between Petitioners concerning two annuities devised by the Will of Robert Merefield, Esq., deceased. Petitioners have now come to an agreement which cannot be perfected without an Act of Parliament, by reason of the infancy of Lydia's son, Robert. Pray leave to bring in a Bill. *Signed* by the Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 499.

(b) Letter from John à Court, guardian to the infant Robert, addressed to Mrs. Lydia Merefield, to be left with Will. Priddle, at the Five Bells Tavern, in the Strand. Has perused the draft agreement which her son Roger brought last Christmas, telling



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him the rest of the party had signed it. Supposes Mr. Phelps was advised in it. Is willing to sign anything towards procuring an Act. *Signed* John à Court. *Dated* Raddon, 22 Jan. [Appended to preceding.]

(c) 15 Feb. Draft of a saving clause substituted this day in the Select Committee for the one in Bill.

1493. Jan. 29. *Clayton v. Clayton*.—Petition and Appeal of John Clayton, executor of Dame Mary Clayton, who was executrix of Sir Jasper Clayton, deceased. Appellant's grandfather, Sir Jasper Clayton, a citizen of London, by his Will, divided his personal estate into three parts, according to the custom of the City. Out of his third part he gave his daughter Prudence a legacy of 300*l*. He made his wife, Dame Mary Clayton, his sole executrix. He died in 1660, leaving three orphans, George, Andrew, and Prudence. His executrix proved his Will and exhibited an inventory of his personal estate in the Court of the Lord Mayor or Orphans' Court of London. Prudence exhibited two Bills against her mother, the executrix, for an account of the personal estate; but, being satisfied, afterwards gave her a release of all demands except her orphanage part of her father's estate, and the executrix paid her 30*l*. a year for near 20 years. After this Prudence exhibited her Bill in Chancery against her mother either to perform a pretended promise of giving her 2,000*l*. or to come to an account *ab origine*. Lord Chancellor Nottingham, on a hearing in February 1682, decreed the latter alternative. On a re-hearing before Lord Keeper North in June 1684, it was decreed that the Master, in taking the account, should consider the inventories, &c, brought in by Dame Mary as evidence for her, but Prudence was at liberty to disprove them. Dame Mary died in 1692. The Cause was revived against Petitioner, as Dame Mary's executor. The Master made his report, and on a hearing in 1698 the present Lord Chancellor ordered that Petitioner should prove each particular payment, and referred it back to the Master to take the account accordingly. Appellant petitioned the Lord Chancellor to be reheard on this point, but got no relief. Though the account is not yet taken, Petitioner has had to pay Prudence 320*l*., and, by an Order of December last, he is ordered to pay 100*l*. more. Appellant is aggrieved by having been ordered to prove every particular payment, made 40 years ago, before he was born, and also to pay money to Prudence before it has been shown what is due to her. Appellant believes that she has already received more than her due. Prudence moreover has carried on the suit for nearly 20 years *in formâ pauperis*, putting Dame Mary and Petitioner to great expense. If she has been overpaid, she will not be able to refund. Appeals against the Orders of 1698 and December last, and prays that Prudence Clayton may be ordered to answer. *Signed* John Clayton. *Countersigned* P. Bowes, Luke Astry. L. J., XVI. 503. [At the Hearing on 2 March *Mr. Serjt. Wright* and *Sir Barth. Shore* were heard for Appellant, and offered to refer the Cause to any two persons by order of the Court. *Sir Thomas Powys* and *Mr. Filmer* were heard for Respondent. Appeal was dismissed. MS. Min.]

Annexed:—

(a) 5 Feb. Answer of Prudence Clayton. Her father died worth 37,000*l*. Her mother treated her with great severity, and by the advice of relations she brought Bills against her mother which the latter, to prevent the examination of items while fresh in memory, induced her to dismiss, promising her 60*l*. a year till her marriage and 2,000*l*. as a marriage portion; but she removed

her into the country and gave her only only 30*l.* a year to 1679, when she refused to give her anything at all. The Master, on his examination, found the accounts so full of errors that on his special report proof was ordered to be given of every item, and he was directed to state what was due to her without dispute. He stated that the amount was 735*l.* 10*s.* 4*d.* and Appellant was ordered to pay her 100*l.* of this. Respondent, being kept out of her portion, has lived in extreme want for 20 years. The Orders appealed from are reasonable and just. Prays the Appeal may be dismissed with costs. *Signed* Prudence Clayton. *Countersigned* Gr. Paunceforte. *Endorsed* as brought in this day. 1699-1700. — No. 1493.

1494. Jan 29. Thomas' Estate Aet.—Amended Draft of an Aet to enable Dalby Thomas, Esq., to sell lands in Islington, in Middlesex, settled on his marriage with Dorothy, his now wife, as part of her jointure, he settling another estate of equal or greater value in lieu thereof. The amendments made in the Select Committee were purely clerical. Com. Book. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 504, 579. 12 Will. III. c. 50 in Long Cal.]

Annexed :—

(a) 22 Dec. 1699. Petition of Dalby Thomas, of Low Leighton, in the county of Essex, Esq. Petitioner, being entitled to 118 acres of the manor of Barnesbury *alias* Barnards Bury, in Islington, Middlesex, on his marriage with Dorothy Chettell, vested the same in John Tregonel, Thomas Chettell and Anthony Etteriek to the use of himself for life, then Dorothy for life, then their sons and their heirs male. He has since obtained the fee of the rest of the manor, and finds it to the advantage of the family to sell the whole, settling 90*l.* a year out of the ground rent of houses, &c., belonging to him in fee in Stebunheath *alias* Stepney, in lieu of the said 118 acres. His wife and the trustees agree. Prays leave to bring in a Bill for the purpose. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 488.

(b) 19 Feb. Letter from Thomas Chettell, one of the trustees, addressed to Thomas Dore, Esq., a Member of Parliament, to be left at the Lobby of the Parliament House, London. He agrees to the Bill, by the desire and request of his sister, but cannot be in London. Transfers his trust to Major-General Erle and to any one else whom his sister shall nominate, to see the same value of land settled. *Signed* Tho. Chettell. *Dated* 12 Feb., Blandford St. Mary. [Read before the Select Committee this day. Com. Book.]

1495. Feb. 1. Wessell's Estate Aet.—Amended Draft of an Aet to enable Leonard Wessell, Esq., to sell the manor of Aeres Fleet, in the county of Essex, settled on his marriage with Sarah, his now wife, as part of her jointure, laying out the money arising by such sale in purchase of other lands. The amendments in the Select Committee were to substitute the words, William Gibbs, for the words, his wife, in the recital enumerating the parties to the marriage settlement who were dead. Com. Book, 21 Feb. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 504, 579. 12 Will. III. c. 52 in Long Cal.]



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Annexed:—

(a) 17 Jan. Petition of Leonard Wessell, of Tadworth, in the county of Surrey, Esq. Abraham Wessell, Petitioner's father, was seised in fee of the manor of Acres Fleet, in Essex, which on Petitioner's marriage with Sarah Reeve, he settled on Petitioner for life, then on his wife for her jointure, then to the use of their first son and the heirs of his body, with divers remainders over. The reversion in fee was to remain to the said Abraham and his heirs. Abraham is since dead, and Petitioner, having no other estate in Essex, wishes to sell the manor and buy land in Surrey instead, to be settled to the same uses. Prays leave to bring in a Bill for that purpose. *Signed* by Petitioner. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 495.

(b) 21 Feb. Paper of amendments made in Select Committee this day. Com. Book.

1496. Feb. 5. Viscountess Grandison's Estate Act.\*—Amended Draft of an Act for settling the estate of Katherine [Viscountess Grandison] *FitzGerald Villiers*, and raising of money for payment of debts and better securing the portions of her five younger children by Edward FitzGerald *Villiers*, Esq., her late husband. The principal amendments in Select Committee were to substitute the words, FitzGerald Villiers, for the words, Viscountess Grandison, throughout the Bill, with the necessary consequential amendments. The other amendments were of a drafting nature. Com. Book Feb. 22, 23. The Commons' amendment was to add the saving clause for John Pargiter and others. C. J., XIII. 294. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 505, 579. 12 Will. III. c. 40 in Long Cal.]

Annexed:—

(a) 1 Feb. Petition of Katherine, Viscountess Grandison, and John, Viscount Grandison, her son and heir. Petitioner Katherine, daughter and heir to John FitzGerald, Esq., deceased, inherited from him several manors, lordships, castles, &c., in Ireland. After her marriage with Edward FitzGerald Villiers, Esq., deceased, eldest son and heir of George, late Viscount Grandison, Petitioner conveyed her Irish property to James, then Earl of Ossory, now Duke of Ormonde, and Francis Villiers, Esq., to the use of her husband and herself, and to the survivor of them, and then to their three sons then living, George, John, now the Viscount, and Richard, successively, and their several sons in tail male. Her husband died in 1693, leaving issue John, now Viscount, William, Mary, Katherine, Harriott, and Elizabeth, and by his Will provided portions for them pursuant to the marriage settlement. Petitioner's estate was also charged with the Dower and Thirds of Helen, Countess Dowager of Clanricarde, relict and second wife of Petitioner's father, and now wife of Thomas Bourke, Esq., of the yearly value of 905*l.* 12*s.* These charges Petitioner purchased for 4,000*l.* They yield 600*l.* a year clear, which Petitioner wishes to devote to the maintenance of the present Viscount, now sixteen years old, as there is no other provision for him during her life. She also borrowed 1,400*l.* to pay her late husband's debts. In order to pay off these borrowed sums, she was advised to bring a Writ of Error for reversing the fine, and judgment thereupon passed by

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\* Additions in italics, omissions in square brackets.



default. She is willing that her son John, the present Viscount, should have Lady Clanricarde's Dower during her own life and that of Lady Clanricarde. She prays leave to bring in a Bill to settle her estate as before. *Signed* K. Grandison, Grandison. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 504.

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(b) 23 Feb. Paper of amendments made in Select Committee this day. Com. Book.

1497. Feb. 5. Wallop's Estate Act.—Draft of an Act to enable trustees to make sale of the inheritance of the twelfth part of several manors, lands and tenements of Bluet Wallop, Esq., during his minority, and to purchase other lands with the money to be raised by such sale, to be settled to the same uses as the said twelfth part was so settled. There were no amendments. Com. Book 22 Feb. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 505, 579. 12 Will. III. c. 51 in Long Cal.]

Annexed :—

(a) 29 Jan. Petition of Bluet Wallop, Esq., John Wallop and Robert Wallop, infants, all under the age of 16 years, exhibited by Alicia Wallop, widow, their mother and guardian. Several manors &c. in the counties of Devon, Dorset and Somerset were settled on Petitioners' late father with remainder to his sons successively in tail male. He had a right to an undivided twelfth of some of the property, which was controverted in law, and since his death recovered in the name of Petitioner, Bluet. Petitioners are advised to vest this twelfth in trustees, to be sold, the money to be laid out in other lands to be settled to the same uses as the rest of the property, which they cannot do without an Act of Parliament. They therefore, by their mother and guardian, pray leave to bring in a Bill for that purpose. *Signed* Alicia Wallop. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 503.

1498. Feb. 7. Naturalization (Vandertyd, &c.) Act.—Petition of James Le Tresor, a Protestant, who has served the King and Government as a lieutenant for eight years, praying to be naturalized. *Signed* by Petitioner. [Read this day. *Ordered* that Petitioner be added to a Naturalization Bill. L. J., XVI. 507. This Bill was brought from the Commons on 5 Feb. Royal Assent 11 April 1700. *Ib.* 505, 578. 12 Will. III. c. 61 in Long Cal. Petitioner was added to the Bill by the Select Committee. Com. Book 10 Feb.]

Annexed :—

(a) 10 Feb. Certificate that Francis van der Tyd, born in the city of Rotterdam, in Holland, received the Sacrament according to the usage of the Church of England, on 21 Jan. 1699-1700 at the Parish Church of St. Peter's, Cornhill. *Signed* Will. Beveridge, Minister, James Smith, Churchwarden. *Dated* eod. die. *Attested* by John Wright, of London, merchant, and Edward Short, of London, salter. [This and the following were produced before the Select Committee this day, and proved by the persons attesting it and by Peter Vandermerseh. Com. Book. Van der Tyd and Mrs. Van Der Mersch were in the Bill as sent up from the Commons.]

(b) 10 Feb. Certificate that Mrs. Agneta Van Der Mersch received the Sacrament in the Dutch Church, in London, frequently,

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more particularly on 31 Dec. last. *Signed* Samuel Biscop, Minister of the Dutch Church. *Dated* 24 Jan. 1699-1700. *Witness* Peter Vandermersch.

(c) 10 Feb. Certificate that Henry Lowman received the Sacrament, according to the usage of the Church of England, at the Church of St. Martin's, Westminster, on 4 Feb. 1699-1700. *Signed* Tho. Yates, Minister, William Rose, Churchwarden. *Dated* eod. die. *Attested* by Henry Powell and George Gunthorpe. [Produced before the Select Committee this day, and proved by the persons attesting it. Lowman added to the Bill. Com. Book.]

(d) 10 Feb. Certificate that James Gabriell Letresor, of St. Ann's, Westminster, received the Sacrament according to the usage of the Church of England on 21 Jan. 1699-1700, at the Parish Church of St. Anne, Westminster. *Signed* Will. Hodges, Minister, William Movett, Churchwarden. *Dated* eod. die. *Attested* by Gabriel de Hauteville, of St. Anne's, Westminster, Gent., and John Legge, of the same, Gent. [Produced this day before the Select Committee, and proved by de Hauteville. Letresor added to the Bill. Com Book.]

1499. Feb. 7. Riddell's Estate Act.—Amended Draft of an Act for settling the manor of Fenham, in the county of Northumberland, for payment of the debts of Thomas Riddell, Esq., and Edward Riddell, his son, and raising portions for the daughters of the said Thomas Riddell. The amendments in Select Committee were to substitute 8 April for 1 March as the date of the commencement of the Act. Com. Book. There were no amendments in the Commons. At the end of the Bill is a schedule of debts contracted in gaining the colliery and coal mines in Fenham, amounting to 3,920*l*. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 507, 579. 12 Will. III. c. 48 in Long Cal. In Select Committee on 1 March *Francis Radcliffe* (sworn), said he believed the colliery now made 300*l*. a year, and that was increasing and would probably last 100 years. He believed the debt was contracted for winning the colliery. *Roger Widdrington, Esq.* (sworn), said the colliery must lie dead till the infant came of age, if the Bill did not pass. On 2 March the Bill was amended as above. *Ordered* to report the above evidence and also that no proof being made of the schedule of debts annexed to the Bill, the direction of the House should be taken therein. On 7 March, on this Report being made, the Bill was recommitted. On 11 March, evidence (*see Annex (d)*) was given as to the debts. Com. Book. MS. Min. L. J., XVI. 539.]

Annexed:—

(a) 5 Jan. Petition of Thomas Riddell, Esq., the father, and of Edward Riddell, his eldest son and heir. On Edward's marriage with Dorothy Dalton, one of the daughters of Robert Dalton, his father settled the manor of Fenham, Northumberland, in trust to pay him 300*l*. a year during his life, and his wife 200*l*. a year after his death, for her jointure, and that manor, together with the manor and castle of Swinburne and lands in Coldwell, the Wellhouses, Colt Crag and Kelly quarter were limited to the father for life, without impeachment of waste. Swinburne and the other lands, together with some collieries in Fenham, were limited to Hon. Francis Radclyffe and Wm. Lambton in trust for 99 years after the death of Thomas, to the use of Edward Riddell for life and his sons



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in tail male, with several remainders over. Out of this property, with the exception of Fenham colliery, portions to the value of 500*l.* were to be paid to Margaret, Mary and Anne, daughters of Thomas Riddell, and 50*l.* a year for life was also to be paid to Mark, Thomas and William, his younger sons, and 20*l.* a year to George, another of his sons. Each of the four sons was also to receive 10*l.* a year from the proceeds of the colliery at Fenham. Edward Riddell has issue male. Since the marriage settlement, Petitioners have incurred a debt of 3,920*l.* in winning the colliery in Fenham, thereby improving the estate by 300*l.* a year. As Edward's eldest son is an infant, Petitioners are unable to raise the money to pay off the various charges on the estate without an Act of Parliament. All parties agree to the sale of Fenham (except the colliery) for this purpose. They also agree that the rest of this property shall stand charged with 100*l.* a year apiece for Thomas Riddell and Edward's eldest son, when of age, who during his father's life has no provision under the settlement. Pray leave to bring a Bill. *Signed* by both Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 506.

- (b) 1 March. Consent of Thomas, Edward, Mark and William Riddell, Robert Dalton, and Dorothea, Margaret, Mary and Anne Riddell, and Elizabeth Shaftoe, setting out the details of the marriage settlement and the arrangement proposed in the Bill. *Dated* 22 Nov. 1699. [Read this day before the Select Committee and proved by Thomas Aron. Com. Book.]
- (c) 1 March. Letter from Mark and William Riddell, addressed to E. Castlehaven at his lodgings in St. James's Place, stating that their father's debts were contracted in gaining the colliery, which had been drowned some years before, and asking him to vouch their consent to the Bill. *Signed* by both. *Dated* Fenham 13 Feb. 1700. [Produced this day before the Select Committee by L. Andley. Com. Book.]
- (d) 2 March. Paper of amendments made in Select Committee this day. Com. Book.
- (e) 11 March. Affidavit of Jesper Hall, of Colwell, Northumberland, Gent., that for 15 years he has been managing the affairs of the Riddells, and knows that they had spent over 2,500*l.* in winning the colliery after it had been drowned with water for several years. Deponent himself raised and paid 1,400*l.* of this sum. He was present when they borrowed large sums, applied for the most part to the colliery, and the rest towards the 1,000*l.* marriage portion of Elizabeth Shaftoe, one of the daughters of Thomas. The sums at the borrowing of which he was present, which are still unpaid, are 100*l.* borrowed from William Heron, late of Birtley, now of Ninwick, Gent.; 200*l.* borrowed from Lady Charleton; 280*l.* borrowed from Robert Weare, of Williamonds Wiek; 150*l.* borrowed from Thomas Teasdale, of Steelehall, Gent.; 100*l.* borrowed from Sir John Swinburn, Bart.; 400*l.* borrowed from Henry Cramlington, Esq. Deponent knows these sums are still outstanding as he has lately had to ask the creditors to await the passing of an Act of Parliament. He knows the Riddells owe other persons large sums at the borrowing of which he was not present. *Signed* Jesper Hall. *Sworn* at Hexham on 14 Feb. before John Armstrong, Extraordinary Master in Chancery. [Produced this day before the Select Committee by Thomas Riddell, who vouched for the signature, and said he had spoken to the creditors not



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mentioned therein, who owned that the sums given in the schedule as borrowed from them were for the colliery, as they believed. Com. Book.]

1500. Feb. 8. *Speidell v. Cornoek*.—Petition and Appeal of Francis Speidell, John Dann, William Bridges and Thomas Harvey. Speidell, a scrivener, in the city of London, lent to one Henry Harvey money belonging to his clients, the other Appellants Dann and Bridges, and Henry Collins, and Thomas Harvey joined in the bond given by Henry Harvey to Collins. The debt amounted to 700*l*. Henry Harvey conveyed his premises to Speidell in trust to repay the loans which the latter procured for him. Harvey then became a bankrupt, and Samuel Cornoek, Edmund Ferrers and Gilbert Lacy, the assignees of the commission of bankruptcy, claimed that the conveyance was made after the bankruptcy and was in trust for Henry Harvey and his family. They obtained a Decree in the Exchequer ordering the conveyance to be cancelled, declaring that Bridges, Dann and Collins should share equally with the other creditors, and directing that Speidell should account for the rents and profits of the premises. The Court also directed an issue to be tried to show how much Harvey owed Speidell. Appeal against the Decree because the conveyance was made three weeks before the bankruptcy, at a time when Speidell had no anticipation of it, and the conveyance was in no way a fraudulent act. Harvey showed himself in his shop and upon the Exchange a good while after. Dealings would not be safe if a subsequent bankruptcy invalidated a conveyance. Pray that Cornoek, Ferrers and Lacy may be ordered to answer. *Signed* Francis Speidell, S., John Dann, Wm. Bridges, Tho. Harvey. *Countersigned* Sam. Dodd, Edmd. Brydges. L. J., XVI. 509. [At the Hearing on 26 March 1700, *Mr. Dodd* and *Mr. Phipps* were heard for Appellants. *Mr. Browne*, for Respondents: There is no Decree, as set forth, in the Exchequer. We insist on this matter, that they have not appealed from the Decree, but part of it. Then the *L. Chancellor* stated the case to the House, which decided to hear the merits. *Appellants' Counsel* proceeded to prove the debts. *Respondents' Counsel* agree the Petitioners to be bond creditors: We do not agree that Speidell is a creditor. Agreed Harvey did appear publicly till 1 April. *Mr. Browne* and *Mr. Williams* heard for Respondents: This is an Appeal for delay. They aim to defeat all the bankrupt's creditors except three of Speidell's friends. Not one penny of the consideration money proved. The Appeal was dismissed. MS. Min. L. J., XVI. 560.]

Annexed:—

(a) 23 Feb. Joint and Several Answer of Samuel Cornoek and Edmund Ferrers. The Decree is wrongly described in the Appeal, which has been brought too soon, as the trial directed has not yet been held. The conveyance was fraudulent. It was made when Harvey was known to be on the verge of bankruptcy. Speidell has never stated what the consideration for it was, and the other Appellants were unaware of its having been made, their bonds remaining still in force, and one of them had previously refused the premises as security, preferring a bond in which Harvey's brother Thomas joined. Pray for full costs. *Signed* Sam. Cornoek, Edmund Ferrers. *Countersigned* Fran. Browne, Wm. Peere Williams, Saml. Baldwyn. *Endorsed* as brought in this day.

1501. Feb. 8. *Bickerstaff's Estate* (Petition).—Petition of Sir Charles Bickerstaff. Petitioner has endeavoured to sell his estate

for payment of his debts, but could not sell it in parcels, by reason of general incumbrances, and, because the estate lay in several counties, no one purchaser would buy the whole but at an under rate, which would not discharge the incumbrances. Therefore, to raise the value by one entire payment, he put the estate into a lottery and, at a great charge, made a considerable progress therein, but could not finish it within the time limited by the late Act. Prays, on behalf of himself, wife, children, creditors and those of the adventurers in the lottery that are desirous to continue so, for leave to bring in a Bill to sell the estate by lottery. *Signed* C. Bickerstaff. [Read this day and rejected. MS. Min. L. J., XVI. 509.]

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1502. Feb. 8. Lady Bond's Estate Act.—Amended Draft of an Act for the settling all differences concerning [my Lady] *Dame Mary Bond's Will* and for performing the same. The principal amendments in the Select Committee were (1) in the Preamble, to omit Lady Bond's gold watch, shagreen case, gold chain and hook from her bequest to her goddaughter Julia Gage, (2) to add the words making the interest of the residue of the 5,893*l.* due from Sir Henry Bond, payable to Mary Charlotte Gage and Thomas Bond during their lives (Annex (c)), and (3) to add at the end of the Bill the account between the parties (Annex (d)). The rest of the amendments were merely verbal. Com. Book Feb. 26. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 509, 579. 12 Will. III. c. 37 in Long Cal.]

Annexed:—

(a) 5 Feb. Petition of Mary Charlotte Gage and William Gage, her husband, and Thomas Bond, Esq. Dame Mary Bond bequeathed to Julia Gage and the other daughters of her daughter the Petitioner Mary Charlotte Gage several jewels, and devised a sum of 8,000*l.* to John Harvey, Esq., to be laid out in purchasing land in England to be divided equally between her said daughter and her son the Petitioner, Thomas Bond, whose moiety was charged with 40*l.* a year payable to his son Thomas Bond for life. The jewels are useless at present to the legatees, by reason of their infancy, and Lady Bond did not leave sufficient assets to make good the 8,000*l.*, the greater part being money due to her from her son Sir Henry Bond, Bart., who by reason of his great losses and misfortunes is not able to pay the whole, but is willing, in case a quarter is abated, to give further land security for the remainder. This abatement, though for the interest of Petitioners' families, cannot be made, nor can the jewels be sold, without an Act of Parliament, because of the infancy of the children. Pray leave to bring in a Bill for the purpose. *Signed* by the three Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 506.

(b) 26 Feb. Paper of amendments made in Select Committee this day. Com. Book.

(c) 26 Feb. Paper marked + containing words added in Select Committee this day. Com. Book. This is the amendment marked (2) above.

(d) 26 Feb. Account stated between the parties concerned in this Act, added at the end of the Bill in Select Committee this day. Com. Book.

1503. Feb 9. Trade with Russia (Naval Stores).—Return of the Commissioners of Customs to an Order of 5 Feb., requiring them to lay before the House a true account in writing what naval stores have



1699-1700. been imported from Russia. L. J., XVI. 505. The Commissioners inclose the said Account, as they received the same from the collectors of the ports of London and Hull, into which ports only they find any of the said goods imported, by the returns they have received from the several ports in pursuance of the direction they gave by a circular letter to all the ports, immediately upon the publication of the said Act to enlarge the trade to Russia. (10 & 11 Will. III.). *Signed* T. Newport, C. Godolphin, Sam. Clarke, Ben. Overton. *Dated* Custom House, London, 9 Feb. *Endorsed* as received this day. [Read in the House on 12 Feb. L. J., XVI. 514. The Order of 5 Feb. was made on motion. MS. Min.]

Annexed:—

(a) 9 Feb. An Account of what naval stores have been imported from the Narve, Archangel, and Rhevell, &c., in Russia, into the port of London from the 25th day of March 1699 to the 7th day of February following, viz.:—

	Cwt.	qrs.	lbs.
Tallow - - - - -	488	1	19
Cordage - - - - -	1,046	3	7
Rough hemp - - - - -	27,847	2	17
Tarred ropes - - - - -	110	2	0
Rosin - - - - -	136	2	0
Hogshead staves - - - - -	5	1	0
Pipe staves - - - - -	6	0	0
Barrel staves - - - - -	35	0	0
Cable yarn - - - - -	11	3	0
Handspikes - - - - -	25	3	0
Small spears - - - - -	2	3	9
Middle balks - - - - -	4	0	0
Small balks - - - - -	2	0	6
Boom spars - - - - -	11	1	22
Iron - - - - -	308	3	0
Deals, ordinary - - - - -	261	2	7
„ short - - - - -	7	2	0
„ long - - - - -	7	0	0
„ spruce - - - - -	10	1	0
Clapboards - - - - -	62	3	20

Pitch and Tar, 48½ last.

Great masts, 165.

Middle masts, 30.

Small masts, 19.

Wooden platters, 7 shock.

Timber, 40 load and 16 feet.

Oak plank, 31 load and 39 feet.

Rough flax, if taken for a naval store, 4,068 cwts., 3 qrs., 14 lbs.

*Signed* per Chr. Tower, pro Collector Inwards in the port of London.

#### Port of Hull and Members.

An Account of all naval stores imported into this port and members, by any persons trading to Russia.

From the 25th of March 1699 to the 24th of June 1699, viz.:—  
Nil.

From the 24th of June 1699 to the 29th of September 1699.

25 Aug. 1699, Samuel Silkworth, in the *Phenia*, himself master, from the Narve, 2 small masts.



26 Aug. 1699, Robert Trippet, in the same ship, 20 cwt. of cordage. 1699-1700.

*Signed* Hugh Mason, Coll. pro Custom, Geo. St. Quintin, pro Comptr. [Appended to principal paper.] No. 1503.

(b) 15 Feb. Answer of the Commissioners of the Navy to Order of 12 Feb., respecting preceding paper. L. J., XVI. 514. They have perused it, and answer that all the stores, if good in their kinds, may be useful for the Navy and victualling, and that some quantities of Russia masts and deals have been bought for the service of the Navy since that time, and some tar brought over for an experiment is now upon examination. *Dated* Navy Office, 13 Feb. *Signed* Clow. Shovell, ———, Tho. Willshaw, John Hill, Cha. Sergison, D. Lyddell, B. Tynmewell. *Endorsed* as brought in this day. L. J., XVI. 516.

1504. Feb. 10. P'Anson's Estate Act.—Amended Draft of an Act for the sale of the estate of Bryan P'Anson, Esq., deceased, for payment of debts and provision for his wife and children. The principal amendments made in Select Committee were to fill in the names of the trustees, to add to the debts to be paid 600*l.* due to Basil St. Nicholas, to leave out John Essington, of London, Gent., from the persons appointed to pay the debts, and to make the receipts of the trustees a good discharge to the purchasers. The rest of the amendments were merely of a drafting nature. Com. Book 29 Feb., 1 March. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 512, 579. 12 Will. III. c. 55 in Long Cal.]

Annexed :—

(a) 7 Feb. Petition of Esther P'Anson, relict of Bryan P'Anson, Esq., deceased, on behalf of herself and five young children. Bryan P'Anson died very much indebted, so that interest on the mortgages will swallow up the estate unless it be sold, which cannot be done without an Act of Parliament, as Petitioner's son is only about 3 years old. Prays leave to bring in a Bill, all the infants' relations consenting thereto. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 507.

(b) 1 March. Paper of amendments made in Select Committee this day and on 29 Feb. and reported this day. Com. Book.

1505. Feb. 12. Naturalization (Delagarde, &c.) Act.—Amended Draft of an Act for naturalizing Isaac Delagarde, John Batero, and others. The persons included in the Draft end with Samuel Ramers; those added in the Lords' Select Committee, are Francis Du Pin to John Peter Dupuy inclusive, together with Benjamin Yeokman, appearing in the Act, and also Francis Martin, son of James Martin by Jane his wife, born at Mouliere in Languedoc in France, who was struck out by the Commons, though naturalized later by Bagneol's Act (No. 1645). The other amendments in the Commons were to insert Armand Guinebault De la Milliere down to Anthony Dalbis inclusive between Dupuy and Yeokman. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 510, 513, 579. 12 Will. III. c. 62 in Long Cal. See also Com. Book 27 Feb., when the persons producing Certificates were ordered to be added to the Bill, on giving the Clerk in account of their parents' names, and of the places where they were born. Daniel de Croy [Daniel Croye in Act] then added, is there described as an infant.]

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Annexed:—

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- (a) 9 Feb. Petition of Isaac Delagarde, Samson Lavie, John Baterow [Batcro in Act], and others. Some of Petitioners served during all, and others for the greater part of, the war in English regiments, but were disbanded upon the reducement of the army. Some were in Ireland, others sick, so that they were not able to attend last Session when several others of the like circumstances were naturalized. They were forced to quit their countries on account of their religion, and, being willing to serve his Majesty and this Government, pray for leave that a Bill may be brought in to naturalize them. *Signed* by the above and by J. Vareilles [John James Vareilles in Act], J. Baillergeau, and P. Joyeux. *Endorsed* as read this day. *Ordered* that Petitioners may be naturalized as desired. L. J., XVI. 510. [The Petitioners are all included in the Draft Bill. They produced before the Select Committee, on 27 Feb., Certificates of their having received the Sacrament, proved by witnesses sworn. Com. Book. For Certificates *see* Annex (o).]
- (b) 15 Feb. Petition of Renatus Jordain [Jortin *alias* Jordain in Act] and Peter Breton [Creton *alias* Breton in Act]. Petitioners have served his Majesty and this Government all the late war in the sea service, and since the conclusion of the peace are out of all employment; and having left their country on account of the Protestant religion, and having families to provide for, they have no hopes of getting into any business without being naturalized. Pray to be admitted in the pending Naturalization Bill. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 516. [Petitioners added to this Bill in Select Committee. Com. Book 27 Feb. *See also* next paper. For Certificate *see* Annex (o).]
- (c) Letter from Geo. Churchill to Mr. Johnson [Clerk of the Parliaments]. The bearer, Peter Breton, served his Majesty at sea during all the time of the late war and now is out of employ. He is a poor and honest fellow: recommends him to be admitted in the Bill of naturalization with those that are not able to pay the half fees. *Signed* Geo. Churchill. [See preceding paper.]
- (d) 16 Feb. Petition of James Ducas, *signs* Ducasse, [Ducass in Act], Lewis Defouronce [Lovis Levesque Fouronce in Act], Samuel de Royere, *signs* Deroiere, [Deroiere in Act], and others. Recital identical with Annex (a). Pray to be inserted in the pending Naturalization Bill. *Signed* by the above and by Daniel Duprat, James Brassalay, Samuel Dornant, James Parrabere [Paraber in Act], John Soubiran [Soubiran Longuergine in Act], Jean Francois Meulh [John Francis Mullh in Act], Jean Preau and Jean Francois Mousset. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 517. [Petitioners were all added to this Bill in the Select Committee with the exceptions of Duprat, who was added by the Commons, and Mousset, who does not appear in any of these Naturalization Acts. Com. Book 27 Feb. For Certificates *see* Annex (o).]
- (e) 16 Feb. Petition of Francis Martin. Having served the King for seven years in the wars of Ireland and Flanders in the Third Troop of Guards, prays to be inserted in the pending Naturalization Bill. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 517. [Martin was added to this Bill in the Select Committee on 27 Feb., when he produced and proved



his Certificate. Com. Book 27 Feb. His name appears with "E. Sandwich" noted against it. His name was struck out by the Commons, but he was ultimately naturalized by Bagnicol's Act (No. 1645). For Certificate *see* Annex (o).]

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(f) 16 Feb. Petition of Ester Berger. Petitioner, being bred a Protestant, was forced away from Franec, his native country, for his religion, and at Leghorn came on board one of his Majesty's ships to the Fleet then in the Straits under the command of Admiral Russell, now Earl of Orford, where he was entertained by Col. Coote in his regiment of foot (then on board the said fleet) as a volunteer, in which regiment he served as such for above three years until it was broke, and afterwards he served in E. Macclesfield's regiment of horse until the passing of the Act for disabling foreigners to serve. He has neither a home nor friends to return to, nor trade to follow. Prays to be admitted to be naturalized. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 517. [Added to this Bill by the Select Committee. Com. Book 27 Feb. *See also* next paper. For Certificate *see* Annex (o).]

(g) Certificate of Col. Coote confirming the above Petition. Dated 23 Feb. *Signed* Rich. Coote.

(h) 21 Feb. Petition of John Cazenuefue, Peter Debat [Debat in Act], John Lovis Gidein, *signs* John Louis Gidoïn [Gidoïn in Act], Peter, *signs* Petter, Peyrc and others, who served all the late war in English regiment. Rest of recital as in Annex (a). Pray to be admitted in the pending Bill for the naturalization of several troopers. *Signed* by the above and by Peter Brochart, John Buchan [Beauchan in Act], Francois Faure, And. Peterson, Daniel Croyé [de Croy, an infant, in Com. Book], Claudins Amyand [Amiand in Act], John Peter Dupuy, Louis Laporte. *Endorsed* as read this day. *Ordered* that Petitioners be added to a Naturalization Bill. L. J., XVI. 521. [All were added to this Bill by the Select Committee, with the exception of Brochart, who was added to Ricard's Bill (No. 1510), and Peterson, whose name does not appear to have been inserted in any of these Naturalization Acts. Com. Book 27 Feb. Against Dupuy's name in Com. Book is noted "Mr. Marget." For Certificates *see* Annex (o).]

(i) 22 Feb. Petition of John Roiffey. Petitioner has served his Majesty and this Government during the late war both by sea and land; and having been forced out of his native country upon account of the Protestant religion, and being now without hopes of getting into any employment without being naturalized, prays to be admitted in the Bill with the troopers in order to his being naturalized. *Signed* by Petitioner. *Endorsed* as read this day. *Ordered* that Petitioner be added to a pending Naturalization Bill. L. J., XVI. 524. [Added to this Bill by the Select Committee. Com. Book 27 Feb. For Certificate *see* Annex (o).]

(j) 24 Feb. Petition of Daniel Bernard, a French Protestant, who has been here a long time with his family. Prays to be inserted in the pending Naturalization Bill. *Signed* by Petitioner. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 527. [Petitioner was added to this Bill by the Select Committee. Com. Book 27 Feb. For Certificate *see* Annex (o).]

(k) 24 Feb. Petition of John De La Croix and Jacob Sealongue [de Sealongne in Act]. Petitioners, who are Protestants, have



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served in the Regiment lately commanded by D. Bolton, and now by Col. Columbine, for above 8 years, until the late Act for disbanding foreigners. Pray to be added to the pending Naturalization Bill. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* that Petitioners be added to a Naturalization Bill. L. J., XVI. 527. [Added to this Bill by the Select Committee. Com. Book 27 Feb. For Certificates *see* Annex (o).]

(l) 26 Feb. The case of Lawrance D'Orville [Dorville in Act]. That he served King Charles II. as private sentinel in Dunkirk at his Restoration. That he served as volunteer under Capt. Digby in Sole Bay fight. That he served in Scotland' under D. Moumouth and in the horse and foot guards in England. That he served in Ireland during the late expedition there, a conductor of 25 wagons. That he is ruined; not being naturalized, cannot recover by law his just due. Prays to be admitted into Mr. La Gaard's Bill. *Unsigned*. *Endorsed* Minute on Lawrance D'Orville case, to be naturalized. Read this day. [Petition read this day. MS. Min. No entry in L. J. D'Orville was added to this Bill by the Commons.]

(m) 26 Feb. Petition of Thomas Guenault and Jean Remy de Montigny [Montegny in Act]. Petitioners, who are French Protestants, were forced out of their native country by the severe persecution of the Protestants in France. They came into this Kingdom for refuge, where they have lived for 17 years, behaving themselves with zeal for the good of the Protestant interest and Kingdom of England. Pray to be added to the pending Naturalization Bill. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [Guenault was added to this Bill by the Select Committee. Com Book 27 Feb.; Montigny to Ricard's Bill (No. 1510). For Certificate of Guenault *see* Annex (o).]

(n) 26 Feb. Petition of John Henry De Granges [de Grange in Act] and James Vezian, poor French refugees, in the same circumstances as many other seeking to be naturalized. Are out of their country on account of their religion, and are willing to serve the King and Government, or to settle themselves to some trade or other for their livelihood. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [Petitioners were added to this Bill by the Select Committee. Com. Book 27 Feb. For Certificates *see* Annex (o).]

(o) 27 Feb. Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz. :--

(1) Isaac De Lagarde,\* [Delagarde in Act] on 28 Jan. 1699-1700 at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, William Rose, Churchwarden. *Dated* eod. die. *Attested* by Sampson Lavie and John Baterow.

(2) John Baterow\* [Batero in Act]. *Attested* by Sampson Lavie and Isaac De Lagarde. Rest as in (1).

(3) Samson Lavie.\* *Attested* by Isaac De Lagarde and John Baterow. Rest as in (1).

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\* These persons were included in the Bill as originally brought in. The remainder were added in Select Committee on 27 Feb.

- (4) Peter Joyeux.\* Rest as in (3). 1699-1700.
- (5) John James Vareilles.\* *Attested* by James Dayrolle and Jacob Baillergeau. Rest as in (1). — No. 1505.
- (6) Anthony Guirand\* [Guirard in Act], on 4 Feb. 1699-1700. *Attested* by John James Varelles [Vareilles] and John Louis Gidoin. Rest as in (1).
- (7) Jacob Baillergeau.\* *Attested* by James Dayrolle and John James Vareilles. Rest as in (1).
- (8) Samson Diserote\* [Diserotte in Act], on 14 Jan. 1699-1700. *Attested* by John Baterow and John Lafage. Rest as in (1).
- (9) Samuel Reimers,\* on 18 Feb. 1699-1700, at the High German Lutheran Church, London. *Signed* John Esdras Edzard, Minister, Peter Willeke, Clerk. *Dated* 19 Feb. *Attested* by Benjamin Geaukman and P. Ewalt.
- (10) Francis Du Pin. *Attested* by Renatus Jordain and Peter Breton. Rest as in (1).
- (11) Peter Breton [Creton *alias* Breton in Act]. *Attested* by Francis Du Pin and Renatus Jordain. Rest as in (1).
- (12) Renatus Jordain [Jortin *alias* Jordain in Act]. *Attested* by Peter Breton and Francis Du Pin. Rest as in (1).
- (13) John Legge [Legg in Act], on 21 Jan. 1699-1700 at the Parish Church of St. Anne's, Westminster. *Signed* Will. Hodges, Minister, William Mouett, Churchwarden. *Dated* eod. die. *Attested* by Gabriel de Hauteville and James Gabriel Le Tresor.
- (14) John Francis Mulh, on 18 Feb. 1699-1700. *Attested* by James Parabell [Parrabere] and Mathieu Chauvin. Rest as in (1).
- (15) James Du Casse [Ducass in Act], on 11 Feb. 1699-1700. *Attested* by James Gohier and Joshua Nognier. Rest as in (1).
- (16) Lewis Levesque Foronce [Lavis Levesque Fouronce in Act], on 18 Feb. 1699-1700. *Attested* by Samuel Deroyere and Daniel Duprat. Rest as in (1).
- (17) Samuel Deroyere, on 18 Feb. 1699-1700. *Attested* by James Parabell [Parrabere] and Daniel Duprat. Rest as in (1).
- (18) James Parabel [Paraber in Act], on 18 Feb. 1699-1700. *Attested* by Daniel Duprat and Mathieu Chauvin. Rest as in (1).
- (19) Matthew Chauven [Chauvin in Act], on 18 Feb. 1699-1700. *Attested* by Jeme Pandele and John Francis Mulh. Rest as in (1).
- (20) Samuel Dornant, on 11 Feb. 1699-1700. *Attested* by James Brassalay and John Soubiran. Rest as in (1).
- (21) James Brassalay, on 11 Feb. 1699-1700. *Attested* by Samuel Dornant and John Soubiran. Rest as in (1).
- (22) John Soubiran [John Soubiran Longuergine in Act], on 11 Feb. 1699-1700. *Attested* by James Brassalay and Samuel Dornant. Rest as in (1).
- (23) Peter Graniere De Fraisinnet [Peter Graniere in Act], on 4 Feb. 1699-1700. *Attested* by Peter Davall and Anthoine Bieysse [Bieisse]. Rest as in (1).

\* These persons were included in the Bill as originally brought in. The remainder were added in Select Committee on 27 Feb.

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(24) Francis Faure, on 18 Feb. 1699-1700. *Attested* by Peter Peyre and John Cazenuefue. Rest as in (1).

(25) Claudius Amiend, on 18 Feb. 1699-1700. *Attested* by David Calmel [Calmelz] and John Lafage. Rest as in (1).

(26) Lewis La Porte [Laporte in Act], on 25 Feb. 1699-1700. *Attested* by John Roiffey and John Peter Dupuy. Rest as in (1).

(27) John Cazenuefue, on 18 Feb. 1699-1700. *Attested* by Francois Faure and Peter Peyre. Rest as in (1).

(28) Peter Debat, [Debatt in Act]. *Attested* by Gabriel Delalande and Jacob D'Abbadie [Dabbadie]. Rest as in (1).

(29) John Lewis Gidoin, on 4 Feb. 1699-1700. *Attested* by Anthony Guiraud and John James Varelles [Vareilles]. Rest as in (1).

(30) John Roffey [Roiffey in Act], on 25 Feb. 1699-1700. *Attested* by Peter Brochart and John Peter Dupuy. Rest as in (1).

(31) Peter Peyre, on 18 Feb. 1699-1700. *Attested* by Francois Faure and John Cazenuefue. Rest as in (1).

(32) John De La Croix [Delaeroix in Act], on 11 Feb. 1699-1700. *Attested* by Jacob Scalongue and Ester Berger. Rest as in (1).

(33) Jacob Scalongue [de Scalongne in Act], on 11 Feb. 1699-1700. *Attested* by Jean De La Croix and Ester Berger. Rest as in (1).

(34) Constantine De Courey, [De Coursy in Act], on 25 Feb. 1699-1700. *Attested* by Gabriel Malbois and Peter de Combebrune. Rest as in (1).

(35) John Preau, on 18 Feb. 1699-1700. *Attested* by Mathieu Chauvin and Jean Francois Meulh [Mulh]. Rest as in (1).

(36) —

(37) Ester Berger, on 11 Feb. 1699-1700. *Attested* by Jacob Scalongne and John La Croix [De La Croix]. Rest as in (1).

(38) Thomas Guenault, on 25 Feb. 1699-1700. *Attested* by John de Remy de Montigny [De Remy] and Daniel Fleury. Rest as in (1).

(39) —

(40) Peter De Combebrune, on 25 Feb. 1699-1700. *Attested* by Gabriel Malbois and Constantin de Courey. Rest as in (1).

(41) Gabriel Malbois, on 25 Feb. 1699-1700. *Attested* by Constantin de Courey and Peter de Combebrune. Rest as in (1).

(42) James Vezian, on 25 Feb. 1699-1700. *Attested* by James De La Rouviere and John Henry De Grangues [Grange]. Rest as in (1).

(43) John Henry Daniel Grangues [John Henry de Grange in Act], on 25 Feb. 1699-1700. *Attested* by James Vezian and James La Rouviere. Rest as in (1).

(44) Anthony Gervais, on 25 Feb. 1699-1700. *Attested* by James La Rouviere and John Henry De Grangues [Grange]. Rest as in (1).

(45) Daniel Bernard, on 25 Feb. 1699-1700. *Attested* by Peter Devaux and Samuel Dornant. Rest as in (1).



(46) Francis Martin, on 18 Feb. 1699–1700. *Attested* by Roger Worrall and William Hawkins. (*See Annex (e)*). Rest as in (1). 1699–1700.  
—  
No. 1505.

(47) John Peter Dupny, on 25 Feb. 1699–1700. *Attested* by Peter Brochart and John Roffey [Roiffey]. Rest as in (1), except that the Minister of the Parish has omitted to sign his name to the Certificate.

(48) Benjamine Geaukman [Yeokman in Aet], on 11 Feb. 1699–1700. *Attested* by Anthony Guiraud [Gereaud] and Pierre Chabbert. Rest as in (1).

[The above Certificates were produced and proved before the Select Committee on 27 Feb. The numbers in brackets refer to the number endorsed on each Certificate. Two Certificates, Nos. (36) and (39) are missing.]

(p) 27 Feb. Paper of amendments made in the Select Committee this day, being the names, parentage, and place of birth of persons added by the Lords, as described in the principal paper above. Com. Book.

1506. Feb. 12. Trade (Bullion and Wrought Silk).—Order of the House this day to the Commissioners of Customs for an account of bullion exported to India, and wrought silks imported from Italy during past three years. L. J., XVI. 513.

Annexed :—

(a) 15 Feb. Report of the Commissioners of the Customs, in answer to preceding. They enclose the Accounts asked for. *Signed* C. Godolphin, Walter Yonge, Sam. Clarke, T. Newport, Robt. Henley, Will. St. Quintin, Ben. Overton. *Dated* Custom House, London, 15 Feb. *Endorsed* as brought in this day. Marked (1). L. J., XVI. 516.

(b) 15 Feb. An account of what bullion has been exported to the East Indies within three years last past, viz. :—

Year.	Silver in Bars, Cakes, &c.	Gold in Ingots.	Pieces of 8 and other Foreign Coin.	Foreign Gold Coin.
	oz. dwt.	oz. dwt.	oz. dwt.	oz. dwt.
1696-7 -	27,533 15	1,933 12	165,666 15	2,093 11
1697-8 -	503,712 0	—	881,873 10	—
1698-9 -	173,296 5	—	2,420,777 10	—
Total -	709,542 0	1,933 12	3,468,317 15	2,093 11

			oz.	dwt.
Total Silver	-	-	4,177,859	15
„ Gold	-	-	4,027	3
			<u>4,181,886</u>	<u>18</u>

Extracted out of the book remaining in the Secretary's Office. *Signed* Tho. Evans, Ck. *Dated* Custom House, 15 Feb. *Endorsed* as brought in this day. Marked (2). MS. Min. L. J., XVI. 516. Enclosed in preceding.

1699-1700.

(c) 15 Feb. An account of Italian wrought silk imported from Italy from Michaelmas 1696 to Michaelmas 1699, viz. :—

No. 1506.

				lbs.
1696-7	-	-	-	2,630 $\frac{1}{4}$
1697-8	-	-	-	7,026 $\frac{1}{2}$
1698-9	-	-	-	9,828 $\frac{1}{2}$
Total				<u>19,485<math>\frac{1}{4}</math></u>

*Signed* Will. Culliford, Inspr. Genl. of the Imports and Exports.*Dated* 14 Feb. *Endorsed* as brought in 15 Feb. Marked (3).

MS. Min. L. J., XVI. 516. Enclosed in Annex (b).

1507. Feb. 13. Lane *v.* Nicoll.—Petition and Appeal of Ralph Lane and Edward Wood, of London, merchants. Petitioners had been factors at Constantinople for Richard Young, of London, merchant, and Charles Nicoll, the Plaintiff below, was then his factor at Smyrna. In 1685 Young empowered Nicoll to draw on Appellants for 3,000 dollars on his account, but as there were disputed accounts between Nicoll and Appellants, the latter refused to honour his Bills unless he joined his kinsman, William Nicoll, since deceased, in them. Notwithstanding this, he drew alone on them, and they refused to accept his Bills. Nicoll complained that he had borrowed 2,000 dollars on Young's account, and had to pay 8 months Turkish interest, amounting to 255 dollars. Subsequently Young ordered Wood alone to correspond with Nicoll, and Wood was ready to honour his drafts if drawn upon him alone, but Nicoll drew on both Appellants jointly, who again refused to accept his Bills. Nicoll came over to England in 1688, Lane in 1690, and Wood in 1698. In 1694 and 1695 the parties exhibited Bills and Cross Bills against one another, and Appellants were decreed to pay Nicoll the 3,000 dollars with 12 per cent. Turkish interest (a Master to compute the value of the Turkish dollar) and also Nicoll's costs, and the latter was to pay Young's costs, and recover them from Appellants. Appeal against this Decree as it was only through Nicoll's own default that the money had not been paid him. Pray that Nicoll and Young may be ordered to answer, and for stay of proceedings below. *Signed* Ra. Lane, Ed. Wood. *Counter-signed* Tho. Dyose, Hen. Sawyer. L. J., XVI. 515. [At the Hearing on 15 March, *Mr. Serjeant Wright* and *Mr. Pooley* were heard for Appellants, and *Sir Tho. Powys*, for Respondent. He stated that the Cause was thoroughly heard in Chancery: Their business was to intricate it. They have had the money in their hands since June 1685, and their case admits they have it this day. *Mr. Northey* also heard for Respondent, and *Mr. Dobbins* for Young. Appeal dismissed. MS. Min. L. J., XVI. 549.]

Annexed:—

(a) 22 Feb. Answer of Charles Nicoll. William Nicoll was not his partner, but his brother's servant, and though he at first promised to join in drawing the bills, he ultimately refused, so that Respondent had to draw them alone. Appellants are not entitled to any indemnity for the 3,000 dollars, as they had the use of the money. The rate of interest decreed was the lowest rate for dollars in Turkey. The Appeal is groundless and frivolous. Prays it should be dismissed with costs. *Signed* Charles Nicoll. *Countersigned* P. Crawford. *Endorsed* as brought in this day.



1699-1700.

No. 1507.

(b) 22 Feb. Answer of Richard Young. Appellants ought to have paid Nicoll the 3,000 dollars. The Appeal is groundless and frivolous. Prays he may have his costs occasioned thereby. *Signed* Richard Young. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

(c) 28 Feb. Petition of Appellants that the books, papers and letters belonging to the matter in question, which are in the custody of Mr. Pitts, one of the Masters in Chancery, may be produced at the Hearing on 4 March, and that Petitioners may have access to them in the meantime. *Signed* by both Appellants. *Endorsed* as read this day. L. J., XVI 530.

1508. Feb. 13. Turner v. Gee. Petition and Appeal of Sir Edward Turner, Knt. His father Sir Edward Turner, Knt., the Chief Baron, who died in 1675, left Petitioner's daughter Sarah, then under 18 months old, a legacy of 1,000*l*. Petitioner brought her up well, spending nearly 200*l*. a year on her; but one Francis Gee, a person bred up meanly and of no estate, married her privately, without Petitioner's consent. Petitioner brought a Bill in Chancery against Gee for the 1,000*l*. legacy, which was all his daughter was entitled to, with a view to laying it out so as to prevent its being wasted by Gee. The latter and his wife brought a Bill claiming his wife's share of legacies to others of Petitioner's children who had died, and claiming also under the marriage settlement made on Petitioner's marriage with Lady Isabella, daughter of William, Earl Marischal of Scotland, as well as interest for the 1,000*l*. from the death of the Chief Baron. The L. Chancellor decreed payment of interest from Sarah's marriage, and that proposals for settling the 1,000*l*., should be made and reported upon by a Master. He reserved the questions of interest from the Chief Baron's death and of costs. After the Master's report, a further Decree was pronounced which decided the reserved points against Petitioner, who appeals against it on the ground that it made no allowance for the sums spent by him in the maintenance and education of his daughter. He prays that Gee and his wife may be ordered to answer. *Signed* E. Turnor. *Countersigned* Wm Dobyns, Tho. Filmer. L. J., XVI. 515. [At the Hearing on 13 March *Sir Barth. Shore* and *Mr. Dobbins* were heard for Appellant: We complain that interest is allowed since the death of the grandfather. *Mr Serjeant Wright*, for Respondent: This is a personal legacy payable immediately. *Sir Tho. Powys*, for the same: This legacy carries a present payment. The Decree is admitted. Appeal dismissed. MS. Min. L. J. XVI. 546.]

Annexed:—

(a) 23 Feb. Answer of Francis Gee, Gent., and Sarah, his wife. Decree appealed from is just. Hope that the Appeal will be dismissed with costs. *Signed* Fran. Gee, Sarah Gee. *Countersigned* T. Powys. *Endorsed* as brought in this day.

1509. Feb. 13. Poor Relief (Encouragement of Manufactures) Act. —Petition of several dealers in East India goods in behalf of themselves and many others. The trade and livelihood of Petitioners and several thousand families throughout the Kingdom depends in a great measure upon the vent of East India manufactures. The trade employs many other trades, which have their dependence thereon, and it is in many respects a profitable trade to this nation. The Bill prohibits the wear and use of all wrought silks, Bengalls and stuffs mixed with silk or herba, of the manufacture of Persia, China, or East India, and all calicoes painted, dyed, printed, or stained there. The Bill, if passed,



1699-1700.

No. 1509.

will ruin very many of the Petitioners, who, with the trades and employments depending thereon, are as numerous as the weavers and others who pretend to be aggrieved. Some of the Petitioners are interested in the loan upon which the right of the trade to India was granted, and others of them concerned in money lent on the fund of new impositions, whereof the duties on the said goods prohibited are a part, in both which respects Petitioners will be prejudiced in their rights if the Bill pass. Pray to be heard by Counsel against the Bill. *Signed* by Robert Brough and 309 others. Read this day. *Ordered* as prayed. L. J., XVI. 515. [The Bill was brought from the Commons on 10 Feb. L. J., XVI. 512. On 15 Feb. *Sir Tho. Powys* and *Mr. Filmer* were heard for Petitioners; *Mr. Dodd* and *Mr. Cheshire* for the Bill; *Mr. Leane* for the Norwich weavers. The Bill was then read 2<sup>a</sup>. MS. Min. On 16 Feb. a Petition of retailers of East India goods (Annex (a)) was read and Petitioners were ordered to be heard at the Committee. L. J., XVI. 517. On 17 Feb. a Petition of merchants and others trading to Africa and the Plantations (Annex (b)) was read and rejected. MS. Min. No entry in L. J. Then in C. W. H., M. Halifax in the chair, *Mr. Barker* was heard for the retailers as to the time for disposing of the commodities in their hands. *John Berne* says he has 2,500*l.* of these goods. He has traded six years for himself. *John Nobbe*: I am a silk man, and deal in Indian gowns. The weavers cannot distinguish one sort from another. I cannot dispose of one quarter of my goods. *Mr. Dodd* heard for the Bill. Then the Bill was read and agreed to. MS. Min. L. J., XVI. 519. The Bill received the Royal Assent on 11 April 1700. L. J., XVI. 578. 11 Will. III. c. 10 in Fol. Ed.]

Annexed:—

(a) 16 Feb. Petition of retailers of East India goods. The Bill prohibits the wearing of most sorts of East India wrought goods, wherein Petitioners' trade consists, being more than 1,000 families. The time limited in the Bill for the disposal of what is in Petitioners' hands, and the manner how, for the remainder after the time prefixed in the Bill, will disenable Petitioners to dispose of their stocks to half the cost. Pray to be heard by Counsel against the clauses relating thereunto. *Signed* by John Aleom and 61 other persons. *Endorsed* as read this day. L. J., XVI. 517.

(b) 17 Feb. Petition of several merchants and others trading to Africa and the Plantations. In carrying on the trade to Africa to purchase gold and other commodities, and to procure negroes for the Plantations, several sorts of East India manufactures are exported. The certificate by the chief magistrate of the goods having been landed, required by clause 2 of the Bill, cannot be procured on the coast of Africa, where the trade is carried on by boats coming off from the shore with gold, elephants' teeth and negroes, and taking our commodities in exchange. In many places for several hundred miles there are no English merchants residing, nor any chief magistrate under whose seal such certificate can be procured. Pray they may be under no greater difficulties in their trade, which is so beneficial to this nation, than according to the method now practised at the Custom House, whereby Petitioners are obliged to make oath that the foreign goods they export shall not be landed again in England. *Signed* by John Browne and 38 other persons. *Endorsed* as read this day and rejected. MS. Min. No entry in L. J.

1510. Feb. 15. Naturalization (John Ricard &c.) Act.—Amended 1699-1700.  
 Draft of an Act for naturalizing John Ricard, Jacob Dabbadie and —  
 others. The persons included in the Draft end with Daniel Cabrol; No. 1510.  
 those added by the Lords' Select Committee were Peter Brochart to John  
 Andrew Hauckwitz inclusive together with Lewis Barber, appearing  
 in the Act, and also John Mum, son of William Mum by  
 Margaret, his wife, born at the Hague, in Holland, and Peter Evalt,  
 son of Edward Evalt by Katharine, his wife, born at Hamborough  
 (*see* Annex (b)), who were struck out by the Commons. Com. Book  
 29 Feb., 5, 7, 8 March. The Commons' amendments were to strike out  
 Mum and Evalt, as above, and to insert John Baptist de Bellefoss  
 down to Charles le Blanc inclusive between Hauckwitz and Barber.  
 [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 516,  
 579. 12 Will. III. c. 60 in Long Cal.]

Annexed:—

- (a) 12 Feb. Petition of John Ricard, Jacob D'Abbadie, Philip Chameau, John Chapoul Lafage and others, who left their native country on account of their religion, and being some of them married with Englishwomen, and all desiring to live and die under this good government, pray leave to bring in a Bill to naturalize them. *Signed* by the above named, together with Gabriel Delalande, Bernard Delpech, Abraham Durand, Joel Gache, David Calmelz, Vincent Chabane, Peter Gongoux De — Lamarque [Peter Gougoux *alias* la Marque in Act] and Daniel Cabrol. *Endorsed* as read this day and leave given. MS. Min. No entry in L.J. [The Petitioners are all the persons included in the Draft Bill. They produced before the Select Committee, on 29 Feb., Certificates of their having received the Saerament, proved by witnesses sworn. Com. Book.]
- (b) 15 Feb. Petition of Peter Chabbert, Peter Ewalt, Bennett Yeokman (*signs* Ben Geackman) and Samuel Reimers. Petitioners, who are Protestants, have served as private troopers during the late war in the English Horse, as may appear by their respective Certificates. They were disbanded pursuant to the late Act, yet being desirous to be in a better capacity to venture their lives upon all occasions for the Protestant religion and good of the Kingdom of England, pray to be added to the pending Naturalization Bill. *Signed* by the four Petitioners. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 516. [Chabbert [Chabert in Act] and Ewalt were added by the Select Committee. Com. Book 29 Feb. The latter was struck out by the Commons. Yeokman and Reimers [Ramers in Act] were included in Delagarde's Act, No. (1505).]
- (c) 17 Feb. Petition of Lewis Barber. His father, who was an Englishman, went out of this Kingdom with L. Byron in the time of the Civil Wars, and settled in France, where Petitioner was born and bred a Protestant; but being persecuted for his religion he, about 12 years ago, made his escape for England, and has since spent 7 years in the King's service. He is desirous of spending the remainder of his days here, and prays to be naturalized. *Signed* Louis Barbar. *Endorsed* as read this day. *Ordered* that Petitioner be added to pending Naturalization Bill. L. J., XVI. 519. Added by the Select Committee. Com. Book 7 March.
- (d) 20 Feb. Petition of George Michelson, *signs* Michelsen, and Christian Wegersloff. They are Protestants, born in



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Denmark, and brought over in their infancy into this Kingdom. They have lived over 17 years in London or the suburbs, and get their living by being interpreters and assistants to foreign masters of ships. They are desirous to spend the remainder of their days under this good government, and pray their names may be inserted in the pending Naturalization Bill. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [Petitioners were added to the Bill by the Select Committee. Com. Book 29 Feb. They appear as Michelson and Wegerstoff in the Act.]

(e) 26 Feb. Petition of John Dumons and several other French refugees, who have served his present Majesty in the late war. They have served faithfully in the French regiments of Horse and Foot now disbanded, and they are ready to continue their service when occasion shall offer if naturalized. Pray to be received into the pending Naturalization Bill. *Signed* John Dumons [Du Mons le Stanguet in Bill, de Mons le Stanguet in Act], John Rabault, Seigr. [Rabault la Coudriere in Act], John Rabault, Junr., Peter Duran [Durand in Act], Steph. Monginot [Stephen Danpierre Monginot in Act], Pet. Daval [Davall in Act], Jean Petit. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [All the Petitioners were added to the Bill by the Select Committee. Com. Book 29 Feb. See next paper.]

(f) 26 Feb. Petition of Peter and Charles Davall, Claude Guiraudet and Anthony Gervais, French refugees, who have been forced to leave their country on account of their religion, and are come to seek a refuge into this Kingdom. Petitioners, being in a very desolate circumstance, pray they may be admitted into the pending Bill for naturalizing of the poor troopers. *Signed* by the above and by Piere de Combebrune, Daniel Campagne, James Courallet, Gabriel Mallbois, and Constantin de Coursy. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [The two Davalls, Guiraudet, Campagne and Courallet were added to this Bill by the Select Committee. Com. Book 29 Feb. The rest were included in Delagarde's Act (No. 1505).]

(g) 26 Feb. Petition of James Courallet and Daniel Campagne. They have served all the late war in English regiments, but upon the reduceement of the army were disbanded. They were not able to attend the last Session of Parliament, when several others of the like circumstances were naturalized. Were forced to quit their country on account of their religion, and are willing to serve his Majesty and this government. Pray to be admitted into the pending Bill for naturalizing the poor troopers, Petitioners being under the same circumstances. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. [Petitioners were added by the Select Committee. Com. Book 29 Feb.]

(h) 1 March. Petition of William Melvin [Melvill in Act] Alexander Hamilton, Allin [Allen in Act] Jamineau, Francis Ménival and Daniel Walter Dupaisy and others. Petitioners were most of them born of English parents, and have served all the late war in English regiments, but, upon the reduceement of the army, were disbanded. Being in Ireland and not able to attend at the last Session of Parliament, when others of the same circumstances were naturalized, they pray to be admitted in any



pending Naturalization Bill. *Signed* by the above-named and by Evert Jollyvet and Michael Levassor. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 532. [Petitioners were all added to this Bill by the Select Committee with the exception of Jollyvet [Jollivert in Act] and Levassor, who were included in Jacobson's Act (No. 1524). Com. Book.]

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(i) 4 March. Petition of John Andrew Hanekwitz, a Protestant, who has served as a private trooper in the English Horse all the time of the late war, as appears by his Certificates, but was disbanded by virtue of the late Act. He has always expressed his zeal for the Protestant interest and good of the Kingdom of England. Prays to be added to the pending Naturalization Bill. *Signed* John And. Hanekwitz. *Endorsed* as read this day. *Ordered* as desired. MS. Min. L. J., XVI. 535. [Petitioner added to this Bill by the Select Committee. Com. Book 7 March.]

(k<sup>1</sup>) 4 March. Petition of John James Reynal [Reynall in Act], Stephen Lasure, John Mauclerc, *signs* as Mauclerc, and others, French refugees, forced to quit their country upon account of religion. Some of them are married to Englishwomen, by whom they have several children, and have no other place of abode, pray to be admitted into some pending Naturalization Bill. *Signed* by above-named, and by Stephen Jordan, Allin [Allen in Act] Jamineau, Flaurand D'Auteuil [Florand Mause d'Autiul in Bill, Florance Mause de Autivill in Act], Abraham Maseres [Mazeres in Act], Moses Pujolas, Paul Buissiere Charles Calmel, Ramon [Raymon in Act] Rey, John Fausia Sauary [John Tansia Savary in Act], Samuel Gachess [Gaches in Act], Francis Meniuall [Menival in Act] and Peeter Pinsun. *Endorsed* John James' Petition. Read this day. *Ordered* as desired. L. J., XVI. 535. [All the Petitioners were added to this Bill by the Select Committee, with the exception of Pujolas and Buissiere. Com. Book March 5, 7.]

(k<sup>2</sup>) Paper stating that Ramon Rey, Charles Calmel, Abram Mazere and Peter Pinsun beg to be sworn for their naturalization, being in the Petition presented by My lord Halifax. [Appended to preceding.]

(k<sup>3</sup>) Similar paper for Stephen la Sure and Stephen Jordan. [Appended to (k<sup>1</sup>).]

(l) 5 March. Petition of Henry Manigault, a French refugee, who has lived above 9 years in England and has served the King under Mons. D'Auverquerque in Holland and Flanders. Prays he may be admitted into a pending Naturalization Bill. *Signed* Henry Manigault. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 536. [Petitioner was added to this Bill by the Select Committee. Com. Book March 7.]

29 Feb.

(m) 4 April. Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz. :—

(1) Guy Babault, on 10 March 1699-1700, at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, William Rose, Churchwarden. *Dated* eod. die. *Attested* by Peter Mesmyn and John Vanderbank.

(2) John Bazire [Basire in Act], on 24 March 1699-1700. *Attested* by Noel Cossart and Peter Osmont. Rest as in (1).

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(3) Anthony Bieisse [Bieysse], on 24 March 1699-1700. *Attested* by Jaques Cordes and James Briand. Rest as in (1).

(4) Philip de Boisdaine [Philip Boysdaune in Act], on 3 March 1699-1700. *Attested* by Andrew de Boismorel and John Dutton. Rest as in (1).

(5) James Briand, on 24 March 1699-1700. *Attested* by Jaques Cordes and Anthoine Bieysse. Rest as in (1).

(6) David Buffard, on 10 March 1699-1700. *Attested* by Charles Telles and Isaac Deprepetit. Rest as in (1).

(7) Matthew Collineau [Collenau in Act], on 17 March 1699-1700. *Attested* by Armand Guenibault [Guinibault] and Anthony Pluet. Rest as in (1).

(8) Noel Cossart, on 24 March 1699-1700. *Attested* by John Bazire and Peter Osmont. Rest as in (1).

(9) William Daniel, on 10 March 1699-1709. *Attested* by John Villeneuve [Villeneuve] and Samuel Barbatt. Rest as in (1).

(10) Lewis De Hane [Dehane in Act], on 24 March 1699-1700. *Attested* by Peter Facquier and Ambros Godfrey Hanckwitz. Rest as in (1).

(11) Peter Godde, on 3 March 1699-1700. *Attested* by John Walker and Cyrus Maigre. Rest as in (1).

(12) Ambrose Godfrey Hanckwitz, on 24 March 1699-1700. *Attested* by Louis Dehane and Peter Facquier. Rest as in (1).

(13) John Lafage, on 18 Feb. 1699-1700. *Attested* by Bernard Delpech and Claudius Amyand [Amiand]. Rest as in (1).

(14) Charles Le Blanc, on 10 March 1699-1700. *Attested* by Isaac G. St. Eloy and Henry Patron. Rest as in (1).

(15) Peter Marchant [Merchant in Act], on 24 March 1699-1700. *Attested* by Solomon De Guerin and Peter Demainbray. Rest as in (1).

(16) Peter Osmont, on 24 March 1699-1700. *Attested* by Noel Cossart and John Bazire. Rest as in (1).

(17) Anthony Pluet, on 17 March 1699-1700. *Attested* by John Beaufilz and Armand Guinebald. Rest as in (1).

(18) Charles Telles, on 10 March 1699-1700. *Attested* by David Buffard and Isaac Deprepetit. Rest as in (1).

(19) John Vanderbank, on 10 March 1699-1700. *Attested* by George Babault [Bilbot] and John James Cordire [Cordier]. *Signed* also by George Krant. Rest as in (1).

(20) John Villeneuve [Villeneuve in Act], on 10 March 1699-1700. *Attested* by Jacob Bernard [Barnard] and Samuel Barbat. Rest as in (1).

[All the above, except Lafage (13), were added by the Commons to the Bill, which they returned on 4 April. L. J., XVI. 568. Lafage was in the Bill as originally introduced in the Lords, and his Certificate was shewn to the Lords' Select Committee on 29 Feb. Com. Book.]

(n) 4 April 1700. Certificate that James Bogdani on 3 March 1699-1700 received the Sacrament, according to the usage of the Lutheran Church, at the German Lutheran Church in the Savoy. *Signed* Irenæus Crusius, Minister, John Titts, William Baker, Churchwardens. *Attested* by Henry Wagener and William Baker. [Added to the Bill as James Bogdaine by the Commons, who returned the Bill this day. L. J., XVI. 568.]



- (o) 4 April 1700. Certificate that John Baptist de Bellefosse on 10 March 1699–1700, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. James, Westminster. *Signed* James Matthews, Curate, John Riley, Reg. Tirbexit, Churchwardens. *Attested* by Joseph Rees[?] and William Barner. [Added to the Bill by the Commons.] 1699–1700.  
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No. 1510.
- (p) 4 April 1700. Certificate that Alexander Mylne, of St. Olave, Southwark, on 24 March 1699–1700, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. Peter, Cornhill. *Signed* Will. Beveridge, Minister, James Smith, Churchwarden. *Attested* by Matthias Payne and John Fudge, who, however, did not sign the Certificate. [Added to the Bill by the Commons.]
- (q) 9 March. Paper of amendments made by the Select Committee. Reported this day. L. J., XVI. 542.

1511. Feb. 16. D. Norfolk's Divorce Act.\*—Amended Draft of an Act to dissolve the Duke of Norfolk's marriage with the Lady Mary Mordant, and to enable him to marry again. The Draft ends with the clause cancelling all settlements &c. of the property of one spouse on the other. The only amendment to this Draft, besides altering the word, Knt. to Bart. after Germain, was made to this clause by the Lords on Report on 11 March. It is set out in L. J., XVI. 544. At the end of the Draft there is a mark to the effect that the proviso offered by the Duke's Counsel the same day in C. W. H. (*see* Annex (g)) for the payment of 10,000*l.* to the Duchess is to be added. MS. Min. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. After debate, *Moved* not to receive the Petition till proceedings in the Ecclesiastical Courts. D. Norfolk said he had fresh evidence since the former [trial] of the same facts. The precedents of 7 Jan. 1691–2 were read. MS. Min. L. J., XVI. 517. The Lords' Journals and the depositions of witnesses which are reported at length in Howell's State Trials, Vol. XIII. 1287–1327, are supplemented by the following entries in MS. Min.:—

On 20 Feb. Counsel were called in on the Petition of the Duchess (Annex (b)). *Sir Thomas Powys*, for the Duchess: This is the way to make the first resort the last. All precedents are against this Bill. *Mr. Cheshire*, for the Duchess: This ought to have gone through the Ecclesiastical Courts, 2 Jan. 1692. They read the copy of entry in the Journal. [*Mr. Cheshire*]: She remains unprosecuted in any Court whatsoever. They read the articles of agreement. 8 Article read, as to the manner the Duchess was to live for the future; to live as she shall think fit, &c., and dispose of jewels. This Bill takes away her jointure and livelihood. They read an indenture [of] 11 June. *Mr. Serjt. Wright*, for the Duke: It is said this Bill has been here before. It is true. But how she should be surprised is strange, if she lives in the same course of ad[ultery] as before. *Mr. Northey*, for the Duke: I agree the instances are not many, but there are some. *Sir Tho. Powys*, in reply: It appears they are going over again with the same matter. *Mr. Northey* also heard in reply. *Moved* to declare what evidence shall be allowed in this matter. *Proposed* to hear no witnesses but to facts after the Articles. Not new witnesses to the same facts [in evidence] before. Let the Counsel be restrained from any new evidence of the same facts as before. *Agreed* that this House will

\* See Howell's State Trials, Vol. 13, 1288–4.



1699-1700. hear no evidence to the facts formerly before the House, but will hear any evidence as to any other facts. *D. Norfolk* declares he means all new matter, never mentioned here before, except what those witnesses can say. *The Duke* names Sir John's brother and two sisters, and another witness that had money from J. [G.] to [be] absent. *Agreed and Ordered* this House will hear witnesses only to matters of fact since the rejecting of the first Bill, except only Sir John Germaine's brother, his brother-in-law, his two sisters and a witness who, as it is alleged, had money for absenting herself at the former Hearing, who are at liberty to give evidence to matters of fact before that time which were not then before the House.

On 21 Feb. the House was informed that, upon the service of the Orders of summons for the Duke of Norfolk's witnesses, that Mr. Germaine's relations are sick. *Joseph Whitley* (sworn): Mr. Bryan's servant said he was gone to Kensington. His wife was sick. I went to Kensington. I left the Order with his servant. I left one with Mr. Possette for his lady. A certificate under two physicians' hands of the illness of Mary, wife to Simon Brian [is produced]. He delivers a paper in writing of what he had done. *George Starke* (sworn): I served Wm. Baly, &c. See L. J., XVI. 522. *Moved* to send and examine the sick witnesses. The former oath agreed to be given now, and agreed also that no persons be admitted, but the Clerks, Counsel and witnesses. The precedent in 1691 read out of the Book. *Moved* that the Duke delivers a charge against the Duke [Duchess]. The precedents [in] *E. Maeclesfield's Case\** in 1697 read. Counsel and witnesses called in. *Mr. Serjt. Wright*, for the Duke: The suggestion of the Bill is what we are to prove. He opens the nature of the Duke's evidence. They call *Mrs. Vanesse*. *Asked* if she knows Sir John Germaine and the Duchess of Norfolk? She says, Yes, I have known them two years. See L. J., XVI. 523.

On 24 Feb., on Nicholas Hoseur's information being read, a difference arose concerning the date of a paper produced by the witness, whether dated 1691 or 1692. Counsel withdrew, and, after, debate, *Ordered* that the paper be left with the Clerk and that the Books of Passes in the Secretary's office of that time be sent for, 1691 and 1692. Counsel called in again, and they proceeded to read Hoseur's information to him. Some questions; and he answered to them. Counsel withdrew. *Proposed* that nobody ask questions but the Speaker. See L. J., XVI. 527.

On 26 Feb., *Mr. Serjt. Wright*: We had the Order for summoning four persons which now abscond, Mr. [Sir J.] Germaine's sisters and brother and brother-in-law. *Francis Jerme* says on Shrove Tuesday he saw Dan. Germaine. *Duchess' Counsel* moved for them to declare that they have not any further new evidence. *Duke's Counsel* says they desire none but those summoned. *Duchess' Counsel* says they hope that the absence of the witnesses summoned may not be laid to her charge, nor any others that do not attend. This is such a case that never came before. The case is a suit begun nine years since. If this was in a case of 40s. it would not do, nor be allowed. We desire a copy of the depositions taken, and out of the names of 24 they have examined but three. I hope we are to know where the witnesses have been in this time. We desire time for copies, and where the witnesses have been since they came out of Holland. See L. J., XVI. 528-9.

On 4 March *Sir. Thomas Powys* heard for the Duchess: We have not had time, the Bill being brought in at the latter end of a Session.

\* See House of Lords MSS. Vol. III. (New Series), No. 1197.

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We can produce in a week's time some very considerable evidence. Here are brought upon us two foreigners born abroad, and brought hither of late, and we [had] no time to find [out] her behaviour for 8 years last past. They are not here to be prosecuted if foresworn. I humbly move that we may use (not reerimination), but suppose a gentleman should bring women into his house, and men with them, which are the cause of the woman's doing what she may have done. This is in another Court allowable. If evidence may be given of former examinations before '91, there may be peace made since. We hope for an allowance for the time. *Mr. Cheshire* heard: (1) One charge is 8 years standing. (2) By servants. This is a new case. After several witnesses had been examined, *Proposed* to proceed to hear the other evidence. *Agreed* to proceed. Counsel were asked what witnesses they had to Nicholas Hoseur? *Answer*. Five we have particularly to him, and some others. The Counsel were told that the House expects they would not ask anything that was not material. After Wm. White's evidence, *Wm. Godfry*, sworn, was heard concerning L'Estrange.\* *See L. J., XVI. 535.*

On 5 March *Matthew MacDonnell* was examined concerning the service of [on] Mr. L'Estrange to attend: I went to Mrs. L'Estrange's on Friday night, and told her I had an Order to serve Mr. L'Estrange. His wife told me he was gone to Holland. *MacDonnell* says he went to the House, and my Lord Howard was there and went in. I followed him, and then Mrs. L'Estrange said he was gone to Holland.† After *Eleanor Monfort's* deposition was signed, the *Duchess' Counsel* say they have gone far in examining so many in so short a time: We have witnesses to show that Nicholas [Hoseur] has been in town 4 or 5 months, though he has sworn but 6 weeks; and we desire that Hoseur may be here with others. *Proposed* to call Nicholas in amongst others, and see if they know him. *John Robinson* (sworn): About 4 months since I was in company with one that was Sir John Germaine's servant. *Asked* if he knows him? He has liberty to look among the company. *Says* that Nicholas was not the man. *John Mackines* says he was in company with one Cornish. I do not know Nicholas. We must resort to the servants of the Duke of Norfolk. After the articles of the agreements between the Duke and Duchess had been read, the *Duke of Norfolk* was heard as to the articles: She has her jewels and money, and an estate that comes after E. Peterborough's death, and I am 10,000*l.* the worse for it. *Francis Negus* (sworn): Lady Duchess said as to living separate, the Duke would have other counsel, thinking that the Duke would confine her. She declared she would avoid all company for the future, if the Duke thought it convenient, and that she said, if she died before the Duke, she would leave him her estate. I acquainted the Duke with part of this or all. The Duke never sent any message back by me. *Ordered* that to-morrow at 12 o'clock this House will proceed to read what is taken in shorthand, and that then this House will hear the Counsel on either side to sum up the evidence; and all the Lords summoned to attend. *See L. J., XVI. 537.*

On 6 March the examinations taken yesterday were read to the persons at the Bar, until they came to Mr. Negus's evidence, upon which *E. Peterborough* was heard, and *D. Norfolk* also. *Negus* was heard to explain himself. After the depositions had all been read, *D. Norfolk* waived the testimony of one witness who was called to

\* There is no deposition of Godfry, but see his evidence in L. J., XVI. 537, on following day.

† See Howell's State Trials XIII., 1323.



- 1699-1700. support Nicholas Hosen's testimony. The *Duke's Counsel* acquainted the House that they had done with their evidence. The *Duchess' Counsel* move to have the depositions taken this day: We hope to have time to read the evidence that we received this day. *Duke's Counsel* says the evidence is fresh in memory, and submits it to the House whether time or not. *Ordered* to allow time till Friday next. See L. J., XVI. 538.

On 8 March, the examinations being read, the *Duke's Counsel* opened their evidence for the Duke (the Lords turning to the Bar, and the Speaker came to the Table) and summed up their evidence. *Mr. Northey* also heard for Duke to sum up evidence. *Sir Thomas Powys* heard [to] sum up evidence for Duchess: It is [to] dissolve a marriage of 23 years standing. *Mr. Dodd* heard also for Duchess. *Sir Tho. Pinfold* offered to speak, but was refused. *Duke's Counsel* heard in reply for Duke. *Mr. Northey* heard in reply. After the Order as to Proxies, *Moved* to read the Bill. *Moved* to adjourn debate till to-morrow. *On Question?* Contents 38, Not Contents 45: Tellers, E. Peterborough, E. Feversham. Then the House proceeded to debate this business. It was proposed to consider two things. (1) Whether this matter be proved? (2) Whether this be a proper remedy. A debate about examinations not agreeing. Vanesse's cross-examination read. Part of [the evidence of] Nicholas Hosen read. After debate upon Vanesse's and Hosen's evidence whether contradictory or not, and after long debate upon the whole matter, *Proposed* to read the Bill. *On Question?* Second Reading carried. Contents 47, Not Contents 30: Tellers, E. Peterborough, L. Jeffreys. See L. J., XVI. 510.

On 9 March, in C.W.H., L. Herbert in the Chair, the Order on the Duchess' Petition of previous day, that she should be heard by Counsel, read. The *Duchess' Counsel* opened the Duchess' Petition: The marriage settlement is in Mr. Johnson's hands, and he is not [to] deliver it without consent of each party. *Ordered* that Mr. Johnson, Clerk of the Parliaments, do fetch the marriage settlement in his hands. *Duchess' Counsel* says he has seen nothing of the deeds. *D. Norfolk* is heard. Says he will agree to the articles, except as to the jointure. Counsel withdrew. *Proposed* to declare that the Lady Duchess shall have her portion. After debate, *Proposed* to set aside the articles in '94. *Proposed* that, until the 10,000*l.* be paid she shall enjoy as widow to the Duchess [Duke]. *Proposed* that Counsel be called in and ordered to draw a clause to secure the Lady Duchess' portion to her, and bring it on Monday next. *Agreed*. Counsel were called in and told that the Committee had come to the Resolution following: That the Lady Duchess shall be repaid the portion which the Duke of Norfolk received by the                      day of                      , and in default of such payment, or sufficient security for it, she shall be entitled, upon the Duke's death, to such jointure and other advantages as she might have had or claimed in case no Bill of Divorce had passed; and that, from and after the payment of the said portion, the Lady Duchess shall not claim or demand anything of any kind by virtue of the marriage articles or settlement, or any other articles of agreement, and that this clause be prepared against Monday next, and presented to the Committee at 12 o'clock. The House was resumed. See L. J., XVI. 513.

On 11 March the House was again in Committee, L. Herbert in the Chair. The *Duke's Counsel* acquainted the House they had prepared a clause, and the Duchess' Counsel had not seen it, nor had any instruction so to do. *Duchess' Counsel* says that one came to him to meet. He said he had no such order: I saw the Duchess



yesterday, and we thought, considering the contingencies, the clause would not consent [satisfy us]. Duchess said she hoped this answer would not be disrespectful to the House in her not consenting. *Duke's Counsel* offer a clause, and they read it at the Bar. *Duchess' Counsel* says he has no authority to enter into this, for a proviso was offered also by the Duke's Counsel. *Duchess' Counsel* say they have no part of the marriage settlement or copy of it; that the Duchess told him that the E. Peterborough paid the D. Norfolk 1,000*l.* per annum for 20 years. *Mr. Negus* heard as to the 1,000*l.* per annum paid to the E. Peterborough. The blank in the clause agreed to be filled up with the date 1701. The Committee of opinion that no Privilege against the Duchess as to the 500*l.* per annum. *D. Norfolk* declares he will not insist on Privilege against the Duchess in this case. Then the title and preamble were postponed. The first three enacting clauses were agreed to. The proviso offered by the Duke's Counsel was read and, after amendments made in it, was agreed to. The word, Bart. was substituted for Knt. in the preamble. The preamble and the title were agreed to. Then the Bill was reported. It was amended on Report. See L. J., XVI. 544. The Bill received the Royal Assent on 11 April 1700. L. J., XVI. 578. 12 Will. III. c. 26 in Long Cal.]

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No. 1511.

## Annexed:—

- (a) 15 Feb. Petition of Henry, Duke of Norfolk. Petitioner having certain proof of his wife's living in adultery with Sir John Germaine, Knt., has great occasion for leave to bring in a Bill to dissolve the marriage between him and his said wife, and that he may have liberty to marry again. Prays leave to bring in a Bill for that purpose. *Signed* Norfolk, E. M. *Endorsed* as read this day. L. J., XVI. 516-7.
- (b) 17 Feb. Petition of Mary, Duchess of Norfolk. Petitioner having, by direction of the House, received a copy of the Bill, has reason to be very much surprised that any such Bill should be brought before their Lordships, and having several things to offer to their Lordships' consideration, which she doubts not will prevail with them not to proceed farther in the said Bill, she prays to be heard by Counsel against the Bill before any further proceedings thereupon. *Signed* M. Norfolk. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 519.
- (c) 21 Feb. Form of oath administered to the witnesses in 1691. L. J., XV. 46. The form was adopted this day with the addition of the words, in the Bill, and the word, Sir, before the words, John Germain. L. J., XVI. 523. *In extenso*.
- (d) 22 Feb. Paper containing first and second drafts of oath taken by the two interpreters this day. L. J., XVI. 524. *In extenso*. This paper also contains the names of Ellin Vanesse, Cornelius Vandike and Bernard Mandevile as having been sworn.
- (e) <sup>22 Feb.</sup>  
8 March Depositions of witnesses examined between these dates. *Endorsed* as read by the Clerk in the House on 8 March, the Counsel at the Bar, and door open, and the Lords in their places. L. J., XVI. 524-540. These depositions\* are by the following persons, who sign them:—
  - (e<sup>1</sup>) 22 Feb. Elianor Vaness (by her mark). *Marked* (1).
  - (e<sup>2</sup>) 22 Feb. Nicholas Hauseur. *Marked* (2).
  - (e<sup>3</sup>) 24 Feb. Wm. Bayly. *Marked* (3).
  - (e<sup>4</sup>) 4 March. Thomas Hawkesworth. *Marked* (4).

\* These depositions are all printed *verbatim* in Howell's State Trials, Vol. XIII. pp. 1287-1327.

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- (*e*<sup>5</sup>) 4 March Jonas Peacock. *Marked* (5).  
 (*e*<sup>6</sup>) 4 March. Frances Knight (by her mark). *Marked* (6).  
 (*e*<sup>7</sup>) 4 March. William White. *Marked* (7).  
 (*e*<sup>8</sup>) 4 March. Mathew Macdonnell (by his mark). *Marked* (8).  
 (*e*<sup>9</sup>) 4 March. Robt. Welborne. *Marked* (9).  
 (*e*<sup>10</sup>) 4 March. Elianor Momfort (by her mark). *Marked* (10).  
 (*e*<sup>11</sup>) 5 March. Mathew Macdonnell (by his mark). *Marked* (11).  
 (*e*<sup>12</sup>) 5 March. Rich. May. *Marked* (12).  
 (*e*<sup>13</sup>) 5 March. Christopher Raine. *Marked* (13).  
 (*e*<sup>14</sup>) 5 March. Edward Cotter. *Marked* (14).  
 (*e*<sup>15</sup>) 5 March. Francis Huddleston (by his mark). *Marked* (15).  
 (*e*<sup>16</sup>) 5 March. Francis Negus. *Marked* (17).  
 (*e*<sup>17</sup>) 5 March. William Allen (by his mark). *Marked* (16).  
 (*f*) 8 March. Petition of Mary, Duchess of Norfolk. She is informed that by the Bill not only her jointure and marriage agreements are to be set aside, but also such interests as were created and secured to her by the Duke's articles in 1694 (whereof the Duke on his part has received the benefit) will be revoked and utterly destroyed. Prays to be heard by her Counsel touching the said several claims and interests, and against several clauses in the Bill before any proceedings shall be at the Committee. *Signed* M. Norfolke. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 541.  
 (*g*) 11 March. Amended proviso offered by the Duke's Counsel this day, pursuant to Order of 9 March, and added to the Bill this day in Committee, providing for the payment of 10,000*l.* to the Duchess. The amendments were merely verbal. MS. Min.

1512. Feb. 16. East India Company's Aet.—Petition of the English Company trading to the East Indies. Petitioners are informed that a Bill is brought up from the Commons to continue the Governor and Company of Merchants of London, trading into the East Indies, a Corporation. The Bill is contrary to the meaning and intent of 9 Will. III. c. 44, and prejudicial to the rights of Petitioners, granted them by the said Aet. Pray to be heard by Counsel at the Bar. *Signed*, by Order of the Court of Directors of the English Company, John Gardner, Secr. L. J., XVI. 518. [The Bill was brought from the Commons on 13 Feb. L. J., XVI. 515. Counsel were heard on the above Petition on 19 Feb. *Mr. Serjt. Wright*, for Petitioners: I am for 1,400 families on an Aet of Parliament for raising two millions. The King has authority to establish two companies, or more, if he please. *Mr. Dodd* heard also for Petitioners: The Old Company would confound the words of the Aet of Parliament. We have offered to take them in almost at any rate, I think, to a fourth of the trade. We are willing to accommodate, and are ready presently to enter, or, if your Lordships please, to interpose in it. *Sir Tho. Powys*, for the Bill: We hope it will pass here, it being so just a Bill. They aim at the utter extirpation of the Old. All they have said is fallacy. They say we would overthrow that Company. No, we desire only to be in the same station we are or were. I will show how necessary it is to continue this company. It was begun in [the reign of] Queen Elizabeth. It was founded upon the best grounds. [In] 13 Car. II. [there] came a Charter to confirm and give them new privileges.



They have purchased several ports at great sums of money. They have many privileges and grants from several Indian princes, and when they are dissolved they are lost. *Mr. Northey*, heard for the Old Company: We only desire that the Privy Seal may be set aside. They lay it down that there should be but one Joint Stock. That is a jest to the words of the Act. The words of the Act are plain and full, for all corporations to subscribe. We desire we may be left in the same condition we were when the Act passed for incorporating them. *Thomas Woolley*, sworn, says he saw Mr. Secretary Vernon at the East India House. *Mr. Serjt. Wright* and *Mr. Dodd* heard in reply. *Agreed* to examine Towshend when he comes. The Bill was then read 2<sup>a</sup>. MS. Min. L. J., XVI. 520.

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No. 1512.

On 23 Feb, on the Order of the Day for the House to be put into Committee being read, a proposal from the New Company (Annex (a)) was offered and read. *Proposed* that the Old Company have notice of Proposal. *Proposed* to adjourn during pleasure. *On Question?* *Resolved* in the affirmative. Contents 54, Not Contents 45: Tellers, L. Lawarr, L. Wharton. House in Committee, M. Halifax in the Chair. The Bill was read through. *Proposed* to ask the Judges whether anything in this Act does repeal any part of the former Act granted to the New East India Company, or alter, change, or take from them any of their liberties, privileges, immunities, and benefit granted to them by the said Act, except continuing the Old Company a corporation. Then the title and preamble postponed. The enacting clause read. *Proposed* to ask the Judges upon this clause the former question. *L.C.J. of Common Pleas*: This wants time to measure it with all the clauses in the old Act. *Powell, J.*: It will want time. *Mr. Attorney-General*: I cannot undertake to say more than the Judges. I do not remember anything that continuing them does any more than incorporate them. It continues them that corporation as they were when the other Act passed. *Question* whether this Act does more than incorporate by the words? *L. C. Justice* heard on the clause in the Bill: The words do not seem to make any alteration. *Powell, J.*: This was a corporation when that Act passed. They were determinable. This only continues them a corporation. *Proposed* that some words be added to the clause in the Act. Sk. 2, l. 14, after the word, aforesaid, add these words, subject nevertheless to the conditions mentioned in the Act aforesaid to be performed by all the subscribers to the 2,000,000*l.* by virtue of the said Act. *On Question*: Whether these words should be inserted? *Resolved* in the negative. Clause agreed to without amendment. Proviso offered to be added to the Bill, and read, viz.:—Provided always that this Act or anything therein contained shall [not] extend or be construed to extend to give the said Governor and Company any other or greater benefits or advantages than any other Body Corporate originally subscribing to the said 2,000,000*l.* might or ought to have had, claimed or enjoyed, by virtue of the aforesaid Act, anything before herein contained to the contrary in anywise notwithstanding. *On Question*: Whether this clause shall be made part of the Bill? *Resolved* in the negative. Preamble and title read and agreed. Bill reported without amendment and read 3<sup>a</sup> and passed, several lords protesting.\* *Moved* to appoint a Committee to examine the granting the Privy Seal against the Old Company. MS. Min. 23 Feb. L. J., XVI. 525. The Bill received the Royal Assent on 11 April 1700. L. J., XVI. 578. 12 Will. III. c. 28 in Long Cal.]

\* Several Peers protested against the Second Reading of the Bill. See *Protests of the Lords*, edited by J. E. Thorold Rogers, Vol. I., p. 137.



1699-1700.

Annexed:—

No. 1512.

(a) 23 Feb. Proposal of the New East India Company. The English Company trading to the East Indies, seriously reflecting upon the damage which both Companies will suffer in their trade thither, if the Old Company, by passing the Bill depending, shall be continued a corporation, each Company exercising that trade with a like name to the same places in a joint stock; together with the frequent animosities and contentions which will naturally arise and be kept up in India and England on account of their said trade. And being also sensible of the dishonour which will thereby accrue to the English nation in foreign parts, they are desirous to prevent the said mischiefs by an union with the Old Company. And as the New Company in a treaty with the Old Company offered what they judged reasonable, they do now again more solemnly propose before your Lordships: (1) That the New Company are willing to admit the 315,000*l.* subscribed by Mr. John Du Boys, being about one sixth part of the two millions, into their joint stock, as effectually to all intents and purposes, as if it had been originally subscribed into the same, and if the Old Company desire to have a larger share of the fund and trade, the New Company will allow them such further part of both as your Lordships shall judge reasonable. (2) As to the Old Company's dead stock we humbly beg leave to represent to your Lordships that the said Old Company gave not above 24,000*l.* to their predecessors for their dead stock, as we are informed; and though we esteem the forts and castles of little use, especially now so great a part of the trade will be prohibited, yet to demonstrate our readiness and sincerity to avoid the above-mentioned evils, we are content their dead stock should be valued at one hundred and fifty thousand pounds. And if, upon examination, it shall appear to your Lordships we have not even exceeded the true value, we humbly submit the determination to your Lordships. Signed by order of the General Court of the said English Company. *Signed* John Gardner, Secretary. *Endorsed* as offered this day. L. J., XVI. 525.

(b) 23 Feb. First amendment proposed and rejected this day in C. W. H. MS. Min.

(c) 23 Feb. Proviso proposed and rejected this day in C. W. H. MS. Min.

1513. Feb. 16. Union with Scotland (Commissioners) Bill.—Amended Draft of an Act authorising certain Commissioners of the Realm of England to treat with Commissioners of Scotland for the weal of both Kingdoms. Whereas some Acts of Parliament formerly made in order to the procuring a nearer and more complete Union between the two Kingdoms of England and Scotland have not had the effect that was designed by them, and to the end that such a further Union may be treated and agreed upon as may complete and confirm for ever a constant mutual love and friendship between the subjects of both realms; Be it enacted, &c. The rest is almost the same as the enacting part of the Act 22 Car. II. c. 9 Fol. Ed. with the substitution of the word, clauses, for the word, causes, in line 16 of that Act (cf. 1 Anne c. 8). The only amendment, made in C.W.H., was to leave out the words, doings and proceedings therein, in line 19, and to insert the words, proceedings thereupon. MS. Min. [Read 1<sup>a</sup> this day. L. J., XVI. 518. On 10 Feb., during the debate on the Darien Scheme, the

House was moved to appoint a time to take into consideration an Union between Scotland and England. MS. Min. L. J., XVI. 512. On 12 Feb. the King, in his answer to the Address about the Darien Scheme, recommended the matter of the Union to the consideration of the House, and referred to his Speech on the subject in opening the Session of 1689-90. L. J., XVI. 514. On 13 Feb., after the King's signed answer to the Address about Darien had been read, the House was moved to take into consideration the Union between England and Scotland, pursuant to Order of 10 Feb. The Act 22 Car. II. read. *Moved* that the Judges be directed to prepare and bring in a Bill. Then a Select Committee was appointed for that purpose. MS. Min. L. J., XVI. 515. On 15 Feb., at the Select Committee, L. Privy Seal, Chairman, the preamble of the Statute 22 Car. II. c. 9 was read. Then the preamble of a Bill to be tendered to the House was read, and afterwards the enacting part. *Ordered* that the House be moved to know whether in the Bill for an Union to be drawn, the names of the Commissioners shall be left to the King, or they shall be inserted in the body of the Bill. Com. Book. On 16 Feb. the Select Committee read the title and preamble of a Draft of a Bill for an Union, as also the enacting part, and agreed to report it. Com. Book. The Bill was reported accordingly, and read 1<sup>a</sup>. On 22 Feb. in Committee, the amendment noted above was made, and L. Herbert reported the Bill with one amendment, which was agreed to. MS. Min. L. J., XVI. 524. On 24 Feb. the Select Committee appointed to consider what should be offered at the Conference in delivering the Bill to the Commons, L. Godolphin, Chairman, read a paper of precedents produced by the Clerk, who was ordered to search further and give the Committee an account of what he shall find. Com. Book. On 26 Feb. the Clerk produced to the Select Committee a paper of precedents, which was read. *Ordered* to report them, with the opinion that the Committee find no precedent of Bills being communicated at Conferences, but they find Bills specially recommended. Com. Book. On 28 Feb. these precedents were reported and the Bill was sent down to the Commons by two Judges with a special recommendation as a Bill of great consequence. L. J., XVI. 530. The Bill was thrown out in the Commons on the Second Reading. C. J., XIII. 267. There were no further proceedings in the Lords on the subject until 12 June 1701].

Annexed :—

(a) Copy of preceding, as amended.

1514. Feb. 23. French Protestant Church (London) Act.—Amended Draft of an Act for confirming of a lease of a piece of ground from the Rector and Churchwardens of the parish of St. Martin's Orgars, London, for liberty to build a church thereon for the worship and service of God in the French tongue, according to the usage of the Church of England. The principal amendments made in Select Committee were (1) To add the concluding words of the preamble, beginning at the words, and forasmuch as with regard to certain adjacent buildings, and (2) To add a clause providing for the renewal of the lease. The other amendments were merely of a drafting nature. Com. Book. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 11 April 1700. L. J., XVI. 526, 579. 12 Will. III. c. 54 in Long Cal. On 1 March the Select Committee, appointed to consider the Bill, met and ordered certain witnesses to attend and be sworn at the Bar in order to their being examined. Com. Book. On 5 March a Petition of Sir Edward Wills and others (Annex (b))

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to be heard against the Bill was read and referred to the Select Committee. L. J., XVI. 536. On 6 March, at the Select Committee, the said Petition was read. *Mr. Serjt. Wright*, for the Petitioners: The building this church takes away the right of Sir Ed. Wills and also the right of the parish in burials. This Bill takes no care that the poor shall be buried in the church at the rate they were before buried in the church. This church will obstruct the lights of the houses that adjoin to the churchyard. This lease was made in a vestry where the parish had no notice of the intention of the parson and churchwardens to make such lease. *Mr. Northey*, for the Bill: The right of burial is reserved to the parish. In most of the houses there were no lights before the Fire. We are content the church should be built upon the old foundation, and then there can be no cause of complaint. We admit there were lights in Mr. Grace's house before the Fire. The amendments were made on 12 March. Com. Book March 6, 12.]

Annexed:—

- (a) 21 Feb. Petition of Michael De Caux, Thomas Bureau, Philip Margas, trustees for the French Protestant refugees' Church on College Hill, for and on behalf of the said church. Petitioners had liberty by Letters Patent from the late King James to erect a church and congregate themselves for the worship and service of God by the Common Prayer and other rites and ceremonies of the Church of England, conformable to such rules and orders as should be settled by the then Archbishop of Canterbury, and they did so upon College Hill, and accordingly have enjoyed the said liberty many years. Their place aforesaid being not so convenient for them, they have taken a lease of a piece of ground from the Rector and Churchwardens of the parish of St. Martin's Orgars, in the city of London, by the consent of the said parish (where their church formerly stood and was taken away by the Act for building the city) with an agreement for building a church there for the purposes aforesaid, still reserving to the parish their liberty of burial in the church and churchyard. Inasmuch as the lease must be confirmed by Parliament, Petitioners pray leave to bring in a Bill for that purpose. *Signed* by the three Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 522.
- (b) 5 March. Petition of Sir Edward Wills, Knt., Edward Grace, Pieter Van der Mersch, Wm. Tatnall, James Williams, and Alexander Roode, in behalf of themselves and several other inhabitants of the parish of Saint Martin's Orgars, London. In the Bill there is a clause that enacts that the lease shall be taken to be a good and effectual lease in law from and to the persons and to the uses, intents and purposes therein expressed according to the true intent and meaning thereof, as if the persons by and to whom the same was made had sufficient power, right, and title to make and take the same. Petitioners conceive the lease to be contrary to several Acts of Parliament and very prejudicial to Petitioners, and they pray to be heard by Counsel against the clause. *Signed* by the Petitioners. *Endorsed* as read this day. Ordered as prayed. L. J., XVI. 536.
- (c) 12 March. Paper of amendments made in Select Committee this day. Com. Book.
- (d) 12 March. Paper containing a drafting amendment made this day, appended to preceding.



1515. Feb. 26. Naturalization (Bourges, &c.) Act.—Petition of John Mum, who is a Protestant, having lived in this Kingdom upwards of 10 years, during which time he has always expressed his zeal to the Protestant religion. Prays to be inserted in the pending Naturalization Bill. *Signed* by Petitioner. [Read this day. *Ordered* as desired. MS. Min. No entry in L. J. Mum was originally in Ricard's Bill (No. 1510) as introduced in the Lords. His name was struck out of the Bill in the Commons. His name was introduced in this Bill by the Select Committee. Com. Book 27 March. This Bill was brought from the Commons on 23 March. Royal Assent 11 April 1700. L. J., XVI. 557, 579. 12 Will. III. c. 59 in Long Cal. *See also* Com. Book 27 March where Sarah Gouge is described as an infant of nine years.]

1699–1700.

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No. 1515.

Annexed :—

(a) 27 March 1700. Certificates that the following persons received the Sacrament according to the usage of the Church of England, viz. :—

(1) John Bourges, on 11 Feb. 1699–1700, at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, William Rose, Churchwarden. *Dated* eod. die. *Attested* by Abraham Meure and James Gaultier.

(2) Peter Bonnin [Bonning in Act]. *Attested* by John Louis Loubier and Isaac Bardeau. Rest as in (1).

(3) Peter Combault. *Attested* by Claude Jamineau and James Gaultier [Gautier]. Rest as in (1).

(4) Claude Jamineau. *Attested* by James Gaultier and Peter Combault [Combaut]. Rest as in (1).

(5) James Gautier. *Attested* by Claude Jamineau and Peter Combault. Rest as in (1).

(10) Stephen Buscarlet [Buscalet in Act]. *Attested* by Daniel Pelletreau and Peter Combault.

(11) John Noguier. *Attested* by James Gohier and Joshua Noguier. Rest as in (1).

(12) Josuah Noguier. *Attested* by John Noguier and James Ducasse [Du Casse]. Rest as in (1).

(13) John Lewis Loubier. *Attested* by Andrew Richier and Izaae Bardeau. Rest as in (1).

(14) Izaac Bardeau. *Attested* by Andrew Richiere and Jean Louis Loubier. Rest as in (1).

(22) Lewis Quoitten, on 3 March 1699–1700. *Attested* by John Walker and Cyrus Maigre. Rest as in (1).

(23) James Gohier. *Attested* by John Gohier and Joshua Noguier. Rest as in (1).

(24) John Bouyer [Boyer in Act] on 10 March 1699–1700. *Attested* by Jeremiah Crowther and William Hawkins. Rest as in (1).

[Produced before the Select Committee this day. Com. Book. The numbers in brackets refer to the number endorsed on each certificate.]

(b) Certificates that the following persons received the Sacrament, according to the usage of the Protestant Church, viz. :—

(6) John William Lutkens, from Hamburg, on 3 March 1699–1700, at the High German Church, London. *Signed* John Esdras Edzard, Minister. *Dated* 11 March. *Attested* by Peter Willeke, Clerk, and Johan Philip Schlachman.

(7) (8) (9) John Daniel Treiber, from Landau, Henry von Som, from Hamburg, and Balthasar Jungen, from Moscow, on 11 Feb. 1699–1700, Rest as in (6).

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(18) (19) Paul Hensch, from Hamburg, John Smith, from Itzehon, in Holstein, on 11 Feb. 1699-1700. Rest as in (6).

[Produced before the Select Committee this day. Com. Book. These persons were all in the Bill as brought from the Commons, and were naturalized by this Act. The numbers in brackets refer to the number or numbers endorsed on each Certificate.]

(c) 27 March 1700. (15) (16) (17) (21) Certificate that Gosuinus van Hoogstraten, Rowland Rowlandson [Rowlandson in Act], William Rotshouk, and Christopher Greenwood received the Sacrament according to the usage of the Church of England at St. Peter's, Cornhill. *Signed* Will. Beveridge, Minister, James Smith, Churchwarden. *Dated* eod. die. *Attested* by John Gentrey, of St. Peter's, Cornhill, who certifies that he saw the above four persons together with Gerard van Raasveld receive the Sacrament. This Certificate was signed also by Hoogstraten and Greenwood. [Produced before the Select Committee this day. Com. Book. These persons were all in the Bill as brought from the Commons, and were naturalized by this Act.]

(d) 27 March 1700. (20) Certificate that John Strachon [Strachen in Act], born at Stöckholm, of Scotch parents, aged 26 years, and now of London, merchant, is a true member of the High German Protestant Congregation at the Savoy, which he has confirmed by communicating with it. *Signed* J. J. Caesar, Minister. *Dated* 18 Feb. 1699-1700. *Attested* by William Panlli and Frantz Claus, Elders. [Produced before the Select Committee this day. Com. Book. Strachon was in the Bill as it came from the Commons, and was naturalized by this Act.]

1516. Feb. 28. Williams v. Williams.\*—Petition and Appeal of John Williams of Cumdee, county of Brecon, Esq., administrator of William Williams, late of Cumdee, Gent. Petitioner's father, John Williams, left to his second son William lands in Cumdee and Crickhowell, worth 24*l.* a year, and to his third son Henry, a mereer, lands in Langeny, worth about 100*l.* a year. The brothers agreed that William should sell his inheritance to Henry for 300*l.* the latter mortgaging Langeny as security for payment thereof. Articles were drawn up, one part being entirely written by one Thomas Richards and sealed by William, and the other, which was copied by Henry for the most part and only finished by Richards, was sealed by Henry. After Henry's death, his widow Katherine paid one half year of the interest, and then quitted possession of the purchased premises; whereupon William exhibited a Bill in Chancery against Katherine and her infant daughter Elizabeth for the purchase money and interest, which Mr. Pitt, a Master of the Court, reported at 564*l.*, or foreclosnre. Henry's widow and daughter exhibited a Cross Bill to set aside the purchase. In the course of the hearing the articles sealed by William were produced, and showed what Petitioner maintains was an interlineation after Henry's death to the effect that William should enter into a general warranty against all persons; but in two trials at law at Hereford the jury found that it was written at the same time as the rest, though Mr. Justice Rokeby declared he did not believe the evidence. On the strength of these verdicts a Decree was pronounced annulling the purchase and cancelling the mortgage, Elizabeth having to reconvey the premises

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\* See Colles's Reports, p. 102.



within six months after coming of age, or to show cause to the contrary, William accounting for interest and Katherine for profits received. Petitioner, elder brother of William, to whom the latter had transferred his mortgage for 300*l.*, appeals against this Decree, as being contrary to the proofs, and prays a determination in accordance with the proofs, or that he may have a new trial, but in a different county, where he would not be prejudiced by the former trials, and that proceedings may be stayed. *Signed* Jo. Williams. *Countersigned* Ros. Price, Gr. Paunceforte. L. J., XVI. 530. [At the Hearing on 24 March 1700-1 *Mr. Serjeant Selby* and *Mr. Paunceforte* were heard for Appellant, and *Mr. Dobbins* and *Mr. Dodd* for Respondent. Appeal dismissed with 10*l.* costs. MS. Min. L. J., XVI. 633.]

1699-1700.

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No. 1516.

Annexed :—

(a) 18 March. Petition of Catherine Williams and Elizabeth Williams, Respondents. Were not served with the Order to answer till 6 March. Catherine is lame and unable to travel and Elizabeth, an infant of tender years. Both live 110 miles from London, and their solicitor has gone the Oxford Circuit. Pray for further time to answer. *Signed* Katherin Williams, Eliz. Williams. *Endorsed* as read this day. *Ordered* as prayed. L. J., XVI. 550.

(b) 28 March 1700. Answer of same. Repeat the statements of preceding Petition. Live in Abergavenny. Their papers are locked up in their solicitor's chambers in the Inner Temple, and he is now in Monmouthshire. The issues tried were fair and the verdicts just, and the credit of Thomas Richards, their witness, proved by several gentlemen of quality and credit. Appellant is no real purchaser under the late William Williams, and the conveyances he obtained, if any, were with knowledge of Respondents' right. Pray the Appeal, which is vexatious, may be dismissed with costs. *Signed* as preceding. *Countersigned* Wm. Dobins. *Endorsed* as brought in this day.

(c) 19 Feb. 1700-1. Petition of same. Appellant has not proceeded with the Appeal, save entering into recognizance about costs. He designs only to delay the Cause, or to bring it on in the absence of Petitioners' Counsel and solicitor, who go the Circuit this vacation. Pray for a short day for the Hearing, or that this vexatious and dilatory Appeal may be dismissed. *Signed* as preceding. L. J., XVI. 602. *Endorsed*, by mistake, as read 18 Feb.

(d) 3 March 1700-1. Petition of Henry Washington, solicitor for the Appellant. Has sent notice of the Hearing, appointed for 6 March, to the Appellant, who lives in Brecon, over 100 miles, and has all the papers in the Cause. Appellant cannot possibly be here till 5 March. Prays for a further day for the Hearing. *Signed* Hen. Washington. L. J., XVI. 611. *Endorsed* as read this day.

(e) 15 March 1700-1. Petition of same. As the greatest stress of the Cause will lie on the difference of the articles, and the alleged interlineation on one part, the Petitioner doubts whether Respondents will produce the article in their custody at the Hearing on 13 March without an Order of the House. Prays for such Order and for further time for the Hearing, to enable Respondents to be served therewith. *Signed* as preceding. *Endorsed* as read this day. L. J., XVI. 624.

1517. Feb. 28. Whitmore's Estate Bill.—Draft of an Act to enable William Whitmore, Esq., and Richard Whitmore, his brother, respectively,



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No. 1517.

with the consent of trustees to make leases of several manors, lands and hereditaments, late the estate of Sir William Whitmore, Bart., during their respective minorities. The Bill recites that Sir William Whitmore, late of Apley, Salop, Bart., by his Will, left all his real estate to his issue male, if any, at his death; and if not, he devised all his real estate except the manor of East Brent, Somersetshire, to George Weld and Thomas Weld Esqs., in trust, to the use in tail special of William Whitmore, of Slaughter, eldest son of Richard Whitmore, of Slaughter, Gloucestershire, Esq., deceased, and the heirs male of his body, failing whom, to his brother Richard Whitmore and the heirs male of his body, failing whom, to their uncle George Whitmore and the heirs male of his body; failing all of whom the estate was to go to the right heirs of the Testator. The manor of East Brent was vested in the same trustees to be sold, if necessary, for payment of any debts and legacies not covered by Testator's personal estate; and if not needed for that purpose, it was to go with the rest of the real estate. Great part of the estate consists of manors where there are many tenants with leases for three lives or 21 years, paying small yearly rents and fines upon granting or renewing the leases, and the leases cannot be renewed because William Whitmore is under 21, and there is no power under the Will to meet the case. Therefore William and Richard Whitmore and Anne Whitmore, their mother and guardian, pray that it may be enacted that William and, failing him, Richard, during their minorities, may, by indenture under their respective hands and seals and those of Anne Whitmore, George Weld and Thomas Weld, demise or let any part of the estate accustomed during the last 20 years to be demised or let at old or usual rents upon fines for terms not exceeding 99 years, for one, two, or three lives, or for 21 years, at the same rent as heretofore, and with the usual covenants, and so as the new leases be not made dispunishable of waste, and the lessees execute counterparts. Then follows the usual general saving clause, which excepts William, Richard and George Whitmore, and the heirs male of their bodies respectively, and the right heirs of Sir William Whitmore.

[Read 1<sup>a</sup> this day. L. J., XVI. 530. The Bill was committed. It does not appear to have been considered by a Select Committee.]

Annexed:—

- (a) 26 Feb. Petition of William Whitmore, Esq., and Richard Whitmore, his brother, infants, under the age of 21 years, by Anne Whitmore, widow, their mother and guardian. Petitioners state shortly the disposition of the estate as given above, and the want of power to renew leases, owing to William Whitmore's infancy, which is a great prejudice to his estate. Pray leave to bring in a Bill to enable him to make and renew leases during his minority. *Signed* Ann Whitmore. [*Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 528.]

1518. Feb. 28. Corn and Grain Exports. Letter from the Commissioners of Customs laying before the House, pursuant to the Act 10 Will. III. c. 3, the account of all corn and grain exported under that Act. *Dated* Custom House, London, 16 Feb. *Signed* C. Godolphin, Walter Yonge, Sam. Clarke, Ben. Overton, Robt. Henley, T. Newport, Will. St. Quintin. *Marked* (1). [Read this day. L. J., XVI. 530.]

Annexed:—

- (a) 28 Feb. The account of corn and grain exported from the port of London by virtue of the liberties or powers given or granted for that purpose by an Act of Parliament made in the

tenth year of his Majesty's reign for prohibiting the exportation of corn, &c.

1699-1700.

No. 1518.

	Wheat.	Pease.	Beans.	Oats.	Malt.	Meal.	Wheat- meal.	Oatmeal.	Flour.	Bread.	Biscuit.	Starch.
	Qrs. 8	Qrs. 0 61	Qrs. Bush.	Qrs.	Qrs. 8	Lbs. 3,200	Bush.	Bush.	Qrs. Bush. Lbs.	Cwt. Qrs. Lbs.	Cwt. Qrs. Lbs.	Cwt. Qrs. Lbs.
To Hudson's Bay	—	—	—	—	—	—	—	—	—	—	—	—
" Newfoundland	—	19 3	—	—	57	—	—	49	0 10 2,116	250 0 0	0 0 85,784	—
" Cape Coast in Africa.	—	—	—	—	—	—	—	—	—	—	10 0 0	—
" New England	—	—	—	—	—	—	—	—	—	—	—	143 1 21
" New York	—	—	—	—	—	—	—	—	—	—	—	30 3 0
" Virginia	—	—	—	—	174	—	—	—	—	—	12 0 0	1 2 0
" Maryland	—	—	—	—	348	—	—	—	0 2 0	—	—	—
" Jamaica	—	—	—	—	—	—	—	28	27½ 0 0	—	—	93 0 0
" Barbadoes	—	7 0	46 4	2	—	—	9	23	0 2 0	14 1 18	37 1 0	64 2 19
" Nevis	—	—	—	—	—	—	—	—	—	—	—	13 3 0
" Antigua	—	—	—	—	—	—	—	8	—	—	—	7 3 0
Total	8	34 0	46 4	2	587	3,200	9	103	29 2 2,116	264 1 18	338 3 0	354 3 12

Signed Cha. Crisp, pro. Collr. Endorsed as received this day.  
MS. Min. [Enclosed in preceding.]

1699-1700.

No. 1518

(b) 28 Feb. An account of corn and grain exported from the ports undermentioned, by virtue of the liberties or powers, &c., conferred by the Act referred to in the preceding paper.

Port Names.	Wheat.	Flour.	Bread and Biscuit.	Malt.	Beans.	Pease.	Oats.	Meal.	Oatmeal.	Starch.
	Bushels.	Bushels.	Cwt. Qrs. Lbs.	Bushels.	Bushels.	Bushels.	Bushels.	Cwt. Qr.	Bushels.	Cwt. Qr.
From Bristol	—	1,016	773 3 9	111	500	634	16	16 1	291½	23 1
" Exeter	—	140	1,616 0 0	296	—	1,561	—	—	19	—
" Barnstaple	—	21	385 0 4	81	—	172½	—	—	24	—
" Poole	93	—	73 0 0	1,032½	—	—	—	—	67½	—
" Dartmouth	—	—	—	186	—	—	—	—	—	—
" Plymouth	—	20	351 0 0	—	—	—	—	—	—	—
" Portsmouth	—	—	80 0 0	—	—	80	—	—	—	—
" Bideford	—	—	14 0 0	—	—	—	—	—	—	—
" Lyme Regis	—	135	188 0 0	278	—	464	—	—	36	—
Total	93	1,332	3,480 3 13	1,984½	500	2,911½	16	16 1	438	23 1

Extracted from the letters of the Collectors of the several ports remaining in the Secretary's office. Signed Tho. Evans.



*Dated*, Custom House, London, 16 Feb. *Endorsed* as received 1699-1700.  
this day. MS. Min. [Enclosed in first paper].

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No. 1518.

1519. Feb. 28. Vexatious Suits (Wales and Counties Palatine) Act.—Draft of a clause as to special bail in small suits in Wales, added by the Select Committee at the end of the Bill for preventing frivolous and vexatious suits in the Principality of Wales and the Counties Palatine. Com. Book 28 Feb. Agreed to by the House on Report this day. L. J., XVI. 529. It is set out *in extenso* in C. J., XIII. 268. The Commons adopted it with amendments extending its application to the Counties Palatine, and it forms, as thus amended § ii of the Act 11 Will. III. c. 9, Fol. Ed. [The Bill was brought from the Commons on 19 Feb. Royal Assent 11 April 1700. L. J., XVI. 520, 578.]

1520. Feb. 29. *Martha* (Free Ship) Act. — Certificate of Sir Edward Mansell, of Margam, Glamorganshire, Bart., that the ship *Martha*, of Margam, now a new ship at anchor in Hungroad in the port of Bristol, was wrecked on Kenfigge Sands in the said county in Dec. 1698, being then a foreign bottom and laden with about 350 hogsheads of white wine. Sir Edward bought the hull and rigging, &c., for 30*l*. from the master and part owner and the rest of the company who came ashore alive. After she had been on the sands about 6 months and had been almost beaten to pieces, Petitioner employed about 20 carpenters to put into her a new bottom, and over 300 labourers for above 18 days to dig her out. She was taken to Swansea, where she was rebuilt, and new ground timbers, beams and deck were put in her, and all her upper works new, which with rigging, &c., cost about 800*l*. By being rebuilt she has been made above 40 tons larger than before she was wrecked, and can carry 16 guns and men proportionable. *Signed* Edw. Mansell. *Dated* 21 Nov. 1699. [Produced this day before the Select Committee on the Bill for the ship *Martha*, of Margam, to trade as a free ship. Com. Book 29 Feb. The Bill was brought from the Commons on 8 Feb. and received the Royal Assent on 11 April 1700. L. J., XVI. 508, 579. 12 Will. III. c. 56 in Long Cal.]

1521. March 1. Speaker.—Revocation of the Patent to Sir George Treby, Knt., (Chief Justice of the Court of Common Pleas), for supplying the place of Lord High Chancellor of England in the Upper House of Parliament. *Dated* 28 Feb. *Parchment Collection*. Read this day. L. J., XVI. 531. *In extenso*.

1522. March 1. Speaker.—Patent to John, E. Bridgewater, to supply the place of Lord High Chancellor in the Upper House of Parliament. *Parchment Collection*. *Dated* 29 Feb. Read this day. L. J., XVI. 532. *In extenso*.

1523. March 1. Bishop of St. David's *v.* Lucy.\*—Writ of Error and Transcript of Record in the case of Thomas Watson, Bishop of St. David's, who was tried, on the prosecution of Robert Lucy, at Lambeth, before the Archbishop of Canterbury, for simony (1) in having collated John Medley to the prebend of Cliddy in the diocese of St. David's and to the archdeaconry of St. David's and the treasurer'ship of the Collegiate Church of Christ at Brecon, the Bishop himself receiving the profits thereof, and (2) in having received 220*l*.

\* See House of Lords MSS. Vol. III. (New Series) No. 1284. Lucy *v.* Bishop of St. David's.

- 1699-1700. for collating William Brooker to the rectory of Burough Green, in Cambridgeshire, worth 85*l.* a year; and also for many extortions for collating clergy, and for procurations, and for not administering the oaths of allegiance and supremacy to candidates for ordination. The Archbishop decided against him, and he appealed to the Delegates, on the ground that his evidence had been improperly disallowed. The Delegates also decided against him, with 60*l.* costs, and the Cause went back to the Archbishop, who pronounced a definitive sentence of deprivation against him with 663*l.* costs. From this he appealed again to the Court of Delegates. He alleged that the prosecutor, Lucy, was a man of dissolute and scandalous life, and was actuated by revenge, as the Bishop had suspended his deputy from the office of deputy registrar and archdeacon of Brecon for exactions; that two of the canons were his brothers and two his late father's chaplains; that one of Lucy's witnesses, Thomas Powell, the Bishop's late secretary, had been dismissed by the latter and had threatened to revenge himself, and that another, Edward Meyricke, had been admonished to reside in his rectory of Pembrayre or his vicarage of Llanegwade, but had not done so; that the Bishop had incurred enmity in correcting abuses, and had suspended Thomas Owen and Thomas Staynoe, canons residentiary, for non-residenec; that evidence had been falsely procured against him, as that of Thomas Williams of a fee of 8*l.* having been charged for collating to the vicarage of Llanavanally; that the alleged exactions were merely the customary lawful fees, admitted to be so by George Lucy the Registrar of the Diocese, and other officials; that the oaths had always been administered at ordinations; that the Bishop was a bachelor with private means, of which he had generously spent 3,800*l.*; that he had never received any of the profits of Medley's preferments, and that Medley was not a man who would permit such a thing; and that the dimission of Burough Green was drawn and approved by the late Sir Francis Pemberton, and was a very common ease. He had received only 120*l.*, and that included the purchase of furniture worth 50*l.* The Court of Delegates rejected these allegations and decreed the Bishop's suspension *pendente lite*, without going into the merits and on the strength of the sentence of the Archbishop, whose jurisdiction the Bishop denied. The Bishop then sued in the King's Bench for a Writ of Prohibition against the Court of Delegates, objecting that the persons composing the Court in his two appeals were the same, and that the Dean of Arches, George Oxenden, whose animus against the Bishop is shown by two letters set out in the Record, was the Archbishop's Assessor in the Cause. The Prohibition was refused, and the Bishop brought a Writ of Error to the House against that refusal. *Parchment Collection*. [The Writ of Error was brought in this day by the L. Chief Justice of the King's Bench in the usual manner. L. J., XVI. 533. The House was moved to hear him upon the Writ of Error, he being to go the Circuit on Monday next. *L. C. Justice*: I have brought in the Writ of Error. I did not grant a Prohibition because of the frivolous suggestions in it. I could not therefore grant it. *Moved* to hear Counsel to-morrow, Whether this Writ of Error come properly before this House—to be heard to show that this be a proper Writ of Error, or properly brought before this House, and not to the merits of the Cause. *Ordered* that the Promoter be heard by his Counsel whether \* \* \*. Committee appointed to inspect the Book in relation to the methods of bringing into this House Writs of Error. On 2 March Counsel were heard. *Sir Thomas Powys*, for the late Bishop: This Writ of



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No. 1523.

Error was not taken out hastily. There was a Petition to his Majesty, a reference to the Attorney and a report from the Attorney; and the L. Chancellor directed an attendance before the sealing. He could not show but that the Writ of Error was proper. *Sir Bartholomew Shore*: We have made our demand, and a Writ is allowed. *Mr. Solicitor-General* heard against receiving the Writ of Error: There is no judgment recorded. The denial of this *supersedeas* is not a judgment. [Cites] Cook. No Writ of Error lies but where a judgment or an award in nature of a judgment. As steps hitherto in this case are only cautionary. This, say they, is a Writ of course. This is a motion in Court and no more. If a Prohibition be denied, they commonly try [the Cause in] the [same] Court again. *Mr. Serjeant Wright*: There has not one precedent been cited of a Writ of Error upon a motion denied, and yet there is a hundred motions for a Prohibition. If the Prohibition had been granted, yet there could not be a Writ of Error. Until judgment be given, there can be no Writ of Error. No; we will say, until judgment is given no Prohibition denied can have a Writ of Error. They cannot instance in one case where a motion made for Prohibition, that denied, a Writ of Error was brought. The effects of retaining this Writ of Error will be [that] your Lordships will not preclude a legal defence or trying whether the Prohibition was legally got or not. Either the judgments must be disputed or the party be concluded. This is an unprecedented thing, and never yet done before. Counsel withdrew. *Moved* to hear L. C. Justice. *L. C. Justice*: I never desired to be heard. I am of opinion no Writ of Error lies in this case. This suggestion is in order to obtain a Writ. It is no judgment, nor ought to be one, nor can be one. The promoter is not a party in Court. Lucy has no day in Court or day given. Lucy is a stranger out of Court. We had done wrong to the Bishop if we had granted it. I could not do so unprecedented a thing. There never was a Writ of Error upon a Court's not doing a thing. A Prohibition differs from other Writs. We are commanded by Act of Parliament to be circumspect in Prohibitions. *Moved* to hear Mr. Attorney-General. *Proposed* to hear L. C. Justice: It is not prayed against a bishop. It is against Delegates, and they are ceased. A Prohibition cannot retrospect. After long debate, *Proposed* to hear Counsel upon this point, as to what effect such a Prohibition would have if granted to the Party desiring it. After debate, *On Question*: Whether the Writ of Error shall be received? *Resolved* in the negative, the Contents yielded: Tellers, E. Peterborough, L. Granville. MS. Min. The Committee appointed to inquire on the method of bringing Writs of Error made their Report on 4 March. Com. Book. L. J., XVI. 536.]

1524. March 1. Naturalization (Jacobson, &c.) Act.—Petition of Corneille de Nassau, second son to the Rt. Honble. Henry de Nassau, Seigr. D'Auverquerque, Master of the Horse to his Majesty, praying to be naturalized by an Act of the present Parliament. [Read this day *Ordered* as desired. L. J., XVI. 532. The Bill was brought from the Commons on 28 Feb. Royal Assent 11 April 1700. *Ib.* 529, 579. 12 Will. III. c. 57 in Long Cal. Petitioner was added to this Bill by the Select Committee on Ricard's Bill (No. 1510). Com. Book March 5, 7.]

Annexed:—

(a) 4 March. Petition of Marie Barbara Brisco, a Protestant, born beyond the sea, who has married an English gentleman, praying to be added to a pending Naturalization Bill, and



No. 1524.

(b) 5 March. Petition of Charles Daubuz, who has been educated in Cambridge University, and otherwise dwelt in this Kingdom for fifteen years, but was born in Aquitaine, which he left on the account of the Protestant religion. Prays to be admitted into some pending Naturalization Bill. *Unsigned. Noted Rickard's Bill. Endorsed as read this day. Ordered as desired.* L. J., XVI. 536. [Petitioner's name was considered on 7 March by the Select Committee on Ricard's Bill (No. 1510), before whom he produced his Certificate. *Ordered* that he be added to this Bill. Com. Book.]

(d) 8 March. Certificate that Eleonora Haskinstiles, daughter of Joseph Haskinstiles and Eleanor Clifford, of Amsterdam, received the Sacrament on 4 Feb. 1699-1700, at the Parish Church of All Hallows, Steyning, according to the usage of the Church of England. *Signed* Dan. Fogg, Tho. Gatty. *Dated* eod. die. *Attested* by Edward Jones, of Grittleton, Wilts, and Thomas Beard, of Allhallows, Steyning. [Produced before the Select Committee this day, and name added to the Bill. Com. Book].

1525. March 1. Bastard Children Bill. — Draft of an Act for preventing and punishing the begetting of bastard children. For contents of Bill, *see* Abstract (Annex (a)). [Read 1<sup>a</sup> this day. The Bill was committed on 5 March, but the Committee was never held. M.S. Min. L. J., XVI. 532, 536, 544.]

(a) 1 March. Abstract of Bill. The preamble recites that the laws in being for punishing the begetting of bastard children and providing for the same, are defective; Therefore the Bill enacts: That after the \_\_\_\_\_ day of \_\_\_\_\_, any two justices of the peace next to the limits of the church within which parish such bastard child shall be born, shall have power to punish the mother and reputed father, as is allowed by the statute of 18 Eliz. though neither of them be of the Quorum. And if there be not two justices living within 3 miles of the place, then the same power shall be vested in one

justice only. And further, That where no order shall be made by one or more justices of the peace pursuant to the aforesaid Statute or this, then as well the justices of assize as the justices of the general quarter sessions shall have power originally to make orders for the punishment of such offenders, as also for the relief of every such parish that is chargeable with such child or children. It further enacts, That the justices of the peace at the general quarter sessions shall have full power upon examination, as well to commit the person or persons that shall refuse to obey any former order made by justices of peace out of sessions to gaol without bail till he shall obey the same, as also to order the bond given for performance of such order to be put in suit. And if they shall not think fit to confirm such order, they may alter or make void the same, and make such further order therein as they shall think fit. And whereas such orders have been frequently removed by Certiorari into his Majesty's Courts at Westminster and there quashed. It therefore enacts:—That after the said                      day of                      , no order of sessions made in relation to bastard children shall be quashed for any default in drawing up the same; and the judges, before whom the same shall be removed, shall either amend the same, or make a new order therein, or bind over the mother or reputed father, with security to appear at the next quarter sessions and abide such order as the said justices shall then make therein; and upon refusal to give such security to commit the offenders to prison without bail or mainprize, till such security given. And further, That where the mother or reputed father shall appear upon the oath of one or more witnesses to be of sufficient ability not only to save the parish harmless, but to give the child a competent sum of money for its maintenance, the justices at the quarter sessions shall make an order for the maintenance of the child while it may be chargeable to the parish, and likewise shall order a sum of money to be paid to such child at the age of                      , by the reputed father, having therein respect to the quality and ability of him. And if, upon notice, they shall not give security so to do, the reputed father shall be committed to gaol till he perform such order. And whereas the oath of the mother has been allowed a sufficient evidence to charge the reputed father with the keeping of a bastard child it further enacts, That after the said                      day of                      , the justices of peace before whom such mother shall be brought in order to make such oath shall, before he administer the same, send for the person by her charged to confront her face to face, and to ask such questions as the justice shall think fit, and produce what proof he is able to the contrary. And if, upon hearing the matter, the said justice shall not be satisfied, he shall bind them both over to the next quarter sessions for the county, there to be re-examined [by the justices], who, upon hearing both parties and witnesses shall make their order therein, provided if the person upon whom the child is fathered shall have fled his country or refuse to appear, then the oath of the mother shall be allowed. It further enacts, That after the said                      day of                      , if any mother or reputed father of any bastard child shall make any agreement with any person for the taking upon him or her the care thereof, without the knowledge of the churchwardens of the parish, that upon oath thereof made, the justice of the peace shall commit the offender

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to gaol till he or she shall produce the child *or give sufficient proof that the child died a natural death or by some unavoidable accident\**. And further, That the words, clauses and sentences herein shall be adjudged and construed in all courts in the most favourable sense for the better punishing of the offenders. And if any person shall be sued for anything done in pursuance of this Act, he may plead the general issue, and give this Act and the special matter in evidence. And if plaintiff be nonsuit[ed], discontinue, or a verdict pass against him, defendant shall recover costs.

1526. March 2. Cooke v. Attorney-General.—Petition and Appeal of Sir Thomas Cooke, Knt. On 9 and 10 Oct. 1691 the East India Company imported 98,752 lbs. of pepper, and paid duty. Appellant bought the pepper and on 5 Oct. 1692 shipped it on board the *Union* frigate for export to the Straits, thereby becoming entitled, under the Tonnage and Poundage Act, to a drawback of half the duty, amounting to 1,442*l.*, if the pepper were re-exported within the year. As no convoy was ready, and there was danger of capture by the French fleet, Appellant having already lost a ship laden with pepper at the mouth of the Channel, the frigate remained in the river beyond the year, and Petitioner sold 82,675 lbs. to Mr. Francis Gosfricht, who transshipped to the *Apparition*, and the remaining 16,077 lbs. to Mr. John Rudge, who removed it to the *Three Brothers*. The parcel cocquet for the latter quantity, was, by a mistake of the Collector's clerk, dated 15 Nov. and endorsed from the *Union* frigate 5 Oct., whereas the dates should have been reversed. In making the sale Petitioner had reserved the drawback to himself; so he got debentures for the whole and applied to Sir Nicholas Crisp to perfect them, in order that he might get his drawback. Sir Nicholas made no objection as to the first quantity, but refused as to that sold to Rudge, owing to the mistake in the date. The Commissioners of the Customs, on being applied to, directed that the debentures should be cancelled and that Petitioner should have fresh debentures for the whole quantity, made out in his own name and that of Mr. Rudge, who had taken out a parcel cocquet; but Sir Nicholas refused to perfect them, on the ground that the pepper had not been exported within the year though shipped in time. Appellant then brought an action at law against Sir Nicholas, but was nonsuited, because the pepper was entered out in his name only, while the debentures were in his name and Mr. Rudge's; and the old debentures having been cancelled, Appellant was remediless at law. He then exhibited his Bill in the Court of Exchequer, and the Commissioners in their Answer confessed that the *Union* had been delayed by an embargo, and that Petitioner was entitled to his debentures, but that, as this was a peculiar case, the Patent Officer wanted the direction of the Court. It was proved at the trial that it was the constant practice to allow the drawback in similar cases; but the Court, after refusing to allow the Commissioners' answer to be read, gave judgment leaving Appellant to his remedy at law, and restoring the cancelled debentures for that purpose. Appeals against this Judgment, because the Court ought to have decreed him his demands, as the Defendants had not demurred, and Appellant cannot get relief at law owing to the misdating of the cocquet. Signed Tho. Cooke. Countersigned Sam. Dodd, Con. Phipps.

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\* The words in italics are substituted for the following words, viz. :—and if the same shall not be produced within — months after such commitment, then the party shall be deemed guilty of murder, and suffer as in case of wilful murder.



L. J., XVI. 534. [At the Hearing on 22 March *Mr. Dodd* and *Mr. Phipps*, for the Appellant, offered to read the answer of the Commissioners of Customs as being a gravamen in their Petition. They insist to have it read. *The King's Counsel* opposed this. *The Attorney-General* heard as to the reading of the answer of the Commissioners of Customs in the Courts below: If the answer be read against another Defendant, it prevents cross-examining and makes a man a witness on one side. Sir Th. Cooke might have examined them as witnesses and yet have continued them as Defendants. *Petitioner's Counsel* then desisted from reading the Commissioners' answer, and proceeded in the Cause. Depositions of Josiah Otway, William Dockwray, Peter Fagin, Robert Lancashire, John Rudge, and others were read. *Mr. Solicitor*, for Respondents: This is a mere point of law, and they ought not to have come to the Exchequer. This is a rule in the Book of Rates. This year is given them. They would have it go beyond the equity of the Rule. *Mr. Serjeant Wright* heard, and several depositions read. The Appeal was dismissed. MS. Min., 22 March. L. J., XVI. 556.]

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No. 1526.

Annexed:—

(a) 13 March. Joint and several Answers of Sir Thomas Trevor, Knt., his Majesty's Attorney-General, Charles Godolphin, Esq., Sir Walter Young, Bart., Samuel Clarke, Benjamin Overton and Robert Henly, Esqs., five of the Commissioners of the Customs, John Crisp and Thomas Crisp, Esqs., Sir John Shaw, Bart., Charles Beauvoir, Thomas Bates, John Greathead and Edward Le Neve. The Attorney-General on behalf of his Majesty, answered that Appellant should not endeavour to raise any new equity before the House of Lords by suggesting a misdating of the eoquet, which was not alleged in the Bill, and should get no relief on points not complained of in the Bill. His proper remedy is at law, and the Deeree places it within his power. The rest of the Respondents answer that they acted to the best of their judgment as public officers. *Signed* Saml. Clark, Ben. Overton (for themselves and the other Commissioners of the Customs), Jo. Shaw, John Crisp, Tho. Crisp, Cha. Beauvoir, Edw. Le Neve, Jo. Greathead. *Countersigned* Tho. Trevor, Jo. Hawles. *Endorsed* as brought in this day.

1527. March 2. Countess of Newport's Privilege.—Petition of Susannah, Countess Dowager of Newport. Petitioner, being administratrix to her son, Lieut. Mortimer, was on 19 Feb. arrested by George Wagstaff, John Vargis, Thomas Fishwaters and George Hear, for debts of her said son, who received such wounds in his Majesty's service as was the cause of his death; and all his money now remains unpaid in the hands of the Government. The Writ was taken out of the Marshal's Court. Forasmuch as Petitioner was very barbarously and inhumanely treated by the persons aforesaid, without any regard or respect to her quality, and that the said arrest (as Petitioner is advised) is a manifest violation and contempt of the Privilege of a Countess and Peeress of this Realm, she prays for relief. *Signed* Newporte. [Read this day and referred to the Committee for Privileges. On 6 March, on motion, the House agreed to cancel the reference to the Committee, and to examine into the Petition at the Bar. *Anne Harding*: [I] saw the Lady Newport arrested by Wagstaffe and Fitzwalter. [*David Lloyd* (?): I was there the next day, and was told Fitzwalter did arrest her, and I asked him and he owned he arrested her. She was

1699-1700. arrested in my house, at her lodging. *Ordered* that Wagstaffe and Fitzwalter be attached. MS. Min. L. J., XVI. 534, 538.]

No. 1527. Annexed :—

(a) Certificate of Hum. Pugh that a Capias was delivered out of the Marshal's Court on Saturday last against Sara Newport, at the suit of Mordant Crochrode in an action of the ease of 10*l.*, which Writ was returnable on 23 Feb. and was tested 16 Feb. *Dated* 21 Feb. *Noted* below. The man's name that put this Writ in execution is George Fitchwaters. He lives in Oxington Street at the Black Bull near the Haymarket. [Appended to preceding.]

1528. March 4. May's Estate Act.—Particular of the estate sold and settled by Mr. May, prodneed this day before the Select Committee on the Bill to enable Thomas May, Gent., to sell lands in the county of Suffolk which were settled upon his marriage, and to convey other lands in the same county, of a greater value, to the same uses. The estate to be sold consists of one capital messuage, &c., and lands thereto belonging, let with 7 acres of copyhold lands at 58*l.* per annum (the particular of the lands amounts to 78 acres), and one messuage, &c., called Cooper's house, and land, let to John Corder at 60*l.* per annum. The estate to be settled consists of the quit rents of the manor of Stutton Hall, 2*l.* per annum; Stutton Hall and land thereto belonging valued at 40*l.* per annum; the Queach Farm, let to John Muneking at 63*l.* per annum; and Goslin's Farm, let at 17*l.* per annum. [The Bill was brought from the Commons on 8 Feb. Royal Assent 11 April 1700. L. J., XVI. 509, 578. 12 Will. III. c. 31 in Long Cal.]

Annexed :—

(a) 4 March. Consent of James Rant, brother of Jane Rant, Thomas May's second wife, and trustee of her marriage settlement, to the Bill, which is set out in this paper, with James Rant's consent appended. *Dated* 13 Jan. *Attested* by John Harrington. [Produced before the Select Committee this day, and proved by John Harrington, who said Rant could not attend, having broken his leg. Com. Book 4 March.]

1529. March 7. Hore's Estate Act.—Amended Draft of an Act for sale of part of the estate of Charles Hore, Esq., for payment of his debts and for settling other part in trust for raising a portion and maintenance for Elizabeth, his only daughter by his former wife, and for making a jointure for Mary, his now wife, and for a provision for the children by the said Mary. The amendments made in the Select Committee were mainly to leave out the name of Henry, Lord Herbert of Cherbury from those who petitioned for the Bill, to make Elizabeth Hore's 40*l.* a year for maintenance and education payable on her attaining the age of twelve, and to leave out the words, After the decease of the said Charles Hore, which invested the estate of Elizabeth Hore, first wife of Charles Hore, in her brother Lord Herbert, in trust for her daughter Elizabeth. (Annex (d)) The other amendments were mainly of a drafting nature. Com. Book March 21 and 22. There were no amendments in the Commons. [Brought in this day. Royal Assent 11 April 1700. L. J., XVI. 539, 579. 12 Will. III. c. 49 in Long Cal.]

Annexed :—

(a) 28 Feb. Petition of Charles Hore, Esq., and Mary, his now wife. Petitioner's father mortgaged his estate in Devonshire



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to Dr. William Hore, which mortgage is now vested in Chief Justice Holt. Charles Hore, upon a former marriage with Elizabeth, sister of Lord Herbert of Cherbury, settled part of the estate upon trust for raising portions and maintenance for the daughters of that marriage. One daughter, Elizabeth, was the only issue of that marriage, and on his second marriage Charles Hore settled his whole estate on Petitioners for their lives with remainder to their issue and another part on trustees after his death for paying off the mortgage, which now amounts to 5,400*l.* and interest. Unless part of the estate is sold to pay off the mortgage, both the said settlements will be rendered ineffectual, as the mortgage is in fee simple and precedent to all other of Petitioner's estates: Prays leave to bring in a Bill to pay off the mortgage and other debts, and to make provision for Elizabeth and for his present wife and children. *Signed* by the Petitioners. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 530.

(b) 21 March. Letter from Mr. William Reade, addressed to Jonathan, Lord Bishop of Exeter, at the House of Lords. Troubles his Lordship on behalf of his sister Mrs. Frances Hore, relict of John Hore, late of Rushford, Esq., and her son Tothill Hore, who married writer's second daughter Ann Reade. There is no saving clause in the Bill to secure his sister's jointure nor a considerable debt due to Tothill from his brother Charles, which has long since been adjusted between them. Begs his Lordship to move the House that the Bill may not pass without such a saving clause. His sister deserves her jointure (which was the whole [of] Barton of Rushford) as she brought over 3,000*l.* as her portion, and has nothing else left for her maintenance; and Charles will not deny the debt he owes his brother Tothill. A petition to this purpose will be delivered to his Lordship, which the writer prays he will give in to the Committee. *Signed* Will. Reade. *Dated* Drewsteignton, 16 March. *Endorsed* 22 March. Read this day before the Select Committee. Com. Book.

(c) 21 March. Petition of Frances Hore, widow, relict of John Hore, Esq., deceased, and Tothill Hore, Gent. Part of the lands to be devoted to raising the portion and maintenance of Elizabeth Hore are the jointure of Petitioner Frances, who brought 3,000*l.* to the family. Petitioner Tothill is likewise to have a portion thereout. Yet there is no saving clause for Frances' jointure or Tothill's portion, their only subsistence. Pray such may be inserted. *Signed* Frances Hore, Tothill Hore. *Endorsed* 22 March. Read this day before the Select Committee, and Counsel ordered to bring a saving clause accordingly (Annex (e)). This was brought in the following day, but waived on further consideration. Com. Book March 21, 22.

(d) 22 March. Paper of amendments made in Select Committee this day. Com. Book.

(e) 22 March. Draft of saving clause for Frances Hore, widow, and Tothill Hore, Gent. Marked to be added to the Bill this day. Com. Book March 21, 22.

1530. March 8. Sherrard v. Sherrard.—Petition and Appeal of Castle Sherrard. His maternal grandfather, John Castle, Esq., died possessed of 550*l.* personal estate, and real estate worth 240*l.* per



1699-1700. annum. He left 100*l.* a year to his second wife Editha, 300*l.* each to his two grand-daughters, Editha married to one Carr, and Ann married to one Cuniott, the parsonage of Foulkesworth and his maintenance at Cambridge until he took his Master's degree to his grandson William Sherrard, 20*l.* a year to his grandson John Sherrard Castle, in case his father did not support him, and his real property in Glatton and Foulkesworth to his eldest grandchild Castle Sherrard *alias* Sherrard Castle, the Appellant, whom he appointed his sole executor. The widow died a year after. Appellant paid all the legacies, which amounted to more than the personal estate, and apprenticed John Sherrard Castle, the Respondents paying 35*l.*, and giving him a bond for 105*l.* more; but he was advised that the real estate was not liable for the legacies. After acquiescing for 28 years, Respondent exhibited a Bill in Chancery against Appellant for his annuity of 20*l.* a year, and obtained a Decretal Order of the Master of the Rolls of 22 Dec. 1697, confirmed by Orders of the L. Chancellor of 10 Feb. 1698 and 19 July 1699. Against these Petitioner appeals, denying the liability of the real estate, and also because Respondent had not proved that his father had not provided for him. *Signed* Castle Sherrard. *Countersigned* E. Jennings, J. Hooke. L. J., XVI. 541. [At the Hearing on 25 March 1700 *Sir Thomas Powys* and *Mr. Dodd* were heard for the Appellant, and *Sir Barth. Shore* and *Mr. Dobbins* for the Respondent, the latter citing the case of *Pelham v. Cloudesly*. The Appeal was dismissed with 20*l.* costs. MS. Min. L. J., XVI. 559.]

Annexed:—

- (a) 18 March. Answer of John Castell Sherrard, Gent. His grandfather's Will was made two or three hours before his death and was written by Appellant, who was at his house at Glatton at the time. Respondent had been continually pressing for payment of his annuity, but had been put off with promises, and he had been reluctant to go to law, as Appellant had no son and only one daughter. Appellant was always slow to pay his debts. He had kept his sister Cuniott 14 years out of her legacy, though she had six children and scarcely anything to live on, and had kept Respondent 20 years out of the 105*l.*, which was payable in six months. Yet Appellant was well off, having inherited both his grandfather's and his father's properties. Appellant, in his answer to Respondent's Bill below, had confessed that Respondent's father had made no provision for him, which was the fact. The Master of the Rolls held that the annuity was a freehold, and payable out of the whole estate, after deducting what had already been paid, which was ascertained by Mr. Pitt, one of the Masters. After the Decree below, Appellant promised to settle a close worth 40*l.* a year on Respondent, to satisfy the annuity and arrears, or else to sell the advowson of Glatton for that purpose. Prays the Appeal may be dismissed with costs. *Signed* John Sherrard. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.
- (b) 19 March. Petition of Respondent. The Appeal seems merely for delay, being founded upon very untrue suggestions. Prays for a short day for the Hearing, and that Appellant may give the usual security for costs. *Signed* John Castell Sherrard. *Endorsed* as read this day. L. J., XVI. 552.
- (c) 23 March. Petition of William Sherrard, for and on behalf of the Appellant, his father-in-law, for further time for him to give security and for the Hearing, as Appellant had been unwell

in the country, but he will be in town by Wednesday next.  
*Signed* Wm. Sherard. *Endorsed* as read and dismissed this day. L. J., XVI. 558.

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No. 1530.

1531. March 11. Jackson *v.* D. Devonshire.—Petition of Benjamin Jackson, mason. The Duke of Devonshire employed Petitioner in the building of his house at Chatsworth, in Derbyshire, the contracts and agreements obliging both parties to abide by the valuation of Sir Christopher Wren and William Tallman, Esq., both Commissioners of his Majesty's Works, as to the value of the work done. Accordingly, when the greatest part of the work was finished, several skilful artificers were sent down by Wren and Tallman, and drew up their valuation in writing. The Duke refusing to pay, Petitioner was unable to pay his workmen, and was obliged to quit the place, leaving part of the work unfinished. Thereupon the Duke renewed his promises of payment, and agreed, under his hand, to waive his Privilege in case of any future difference arising. Petitioner resumed the work, but being still disappointed of payment, and the Duke resuming his Privilege, Petitioner could not finish the work or pay his just debts, to the utter ruin of himself and his family and of many families depending on him. Implores that the Duke may not be allowed to resume his Privilege, so that Petitioner may recover his debt. *Signed* Benj. Jackson. L. J., XVI. 544. [On this Petition being read this day, the Duke desired to be excused from waiving his Privilege, and it was referred to the Committee for Privileges. MS. Min. No further proceedings recorded, beyond an Order for witnesses on 12 March. L. J., XVI. 545.]

1532. March 12. Chancery Lane Aet.—Petition of Friswith Deane, of Chancery Lane, widow. Petitioner has for many years kept a victualling house in Chancery Lane, and has lately laid in a considerable stock to carry on her trade. The intended passage from Chancery Lane to Lincoln's Inn Fields, contemplated by the Bill before the House, cannot be made without pulling down her house, in which she has a term of a year and a half yet to come. Petitioner would be ruined if this were done. There are only four houses intended to be pulled down for that passage, and Petitioner is the only tenant by lease, and pays the greatest rent. She might reasonably have expected to have been agreed with for her term before the Bill was brought in and followed. Petitioner is unwilling to oppose what may be a public benefit, but hopes it may not turn out to her ruin. Prays provision may be made in the Bill that she may continue in her house till her term is ended, or may have satisfaction and recompense for the loss of her trade. L. J., XVI. 545. [Read this day, and Petitioner ordered to be heard at the Committee on the Bill. MS. Min. On 14 March in the Select Committee, when this Petition was called for, *Mr. Weeden* produced an agreement, under *Mr. Wharton* her Counsel's hand, for her withdrawing her Petition, which was read. Then *Mr. Wharton* informed their Lordships that Mrs. Deane was satisfied to withdraw her Petition. Com. Book. The Bill was brought from the Commons on 11 March. Royal Assent 11 April 1700. L. J., XVI. 544, 579. 12 Will. III. c. 35 in Long Cal.]

1533. March 12. River Larke *alias* Burne Navigation Aet.—Draft of proviso added this day in the Select Committee to the Bill. It forms Section 17 of the Act 11 Will. III. c. 22, Fol. Ed. Com Book. [The Bill was brought from the Commons on 4 March. Royal Assent 11 April 1700. L. J., XVI. 535, 578.]



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No. 1534.

1534. March 13. River Dee Navigation Act.—Petition of Richard Mico, Esq., for and on the behalf of Samuel Powell, of Birkenhead, in the county of Chester, Esq., and on the behalf of his tenants and inhabitants of the Hundred of Wirrall in the County Palatine of Chester. Samuel Powell, having an estate of near 600*l.* a year in Wirrall, conceives that the Bill for recovering and preserving the navigation of the River Dee is much to his prejudice and that of his tenants and others. Prays to be heard by Counsel before the Bill pass. *Signed* Richard Mico. L. J., XVI. 546. [Read this day. *Ordered* that Petitioner be heard by the Select Committee on the Bill. On 15 March in the Committee, *Mr. Cooper*, for Mr. Mico, said all he desired was that there might be a provision in the Bill for ferries to be made for the ease and convenience of the tenants in Wirrall. Then, the Bill being proceeded with, and Mr. Cooper owning that the last clause or proviso did what Mr. Mico desired, *Ordered* that the Bill be reported without amendment. Com. Book. The Bill was brought from the Commons on 11 March. Royal Assent 11 April 1700. L. J., XVI. 544, 578. 11 Will. III. c. 24, Fol. Ed.]

1535. March 13. Lloyd *v.* Carew.—\*Petition of Sir Evan Lloyd, Bart., Dame Mary, his wife, and others praying that a fit person may be appointed as Guardian to Sir Richard Carew until he comes of age and can convey to Petitioners the property referred to in the judgment of the House of Lords of 24 March 1697-8. L. J., XVI. 545. [Read this day. Counsel heard and the Petition granted 20 March. MS. Min. L. J., XVI. 553.]

1536. March 14. Handcock *v.* Shaen and E. Kildare *v.* Shaen.†—Petition and Appeal of William Handcock, Esq., and Leonard Hatfield, Gent. Petitioners have for 50 years been tenants of Wentworth, late Earl of Kildare, and his son John, the present Earl, in messuages and lands in Westmeath and elsewhere. In 1696 Sir Arthur Shaen, son and administrator to his father Sir James, who died in 1695, exhibited his Bill in Chancery in Ireland against Petitioners, to enforce two pretended leases of the said lands from the late Earl to Sir James, and a conveyance in 1660 of the fee and inheritance thereof to trustees for the use of Sir James and his heirs, whereas in truth the late Earl had, on his marriage with Elizabeth, his wife, entailed the premises on himself and the issue male of the marriage, whereby the present Earl is entitled thereto. On 5 Feb. last the Court decreed that Sir Arthur Shaen should have possession of the premises, and that Petitioners should account with him for the mean profits since 1686. Appeal against this Decree, forasmuch as the Earl ought to have been made a party to try his title against Shaen, of whose claim Appellants never had any notice till he brought his Bill, and because Petitioners are still bound to pay the Earl their rent and have done so since 1686, from which position they could not be relieved by the Court without the Earl being made a party to the suit. Pray also for stay of proceedings. *Signed* Will. Handcock, Leonard Hatfield. *Countersigned* T. Powys, James Sloane. Wm. Guidolt. L. J., XVI. 547. [At the Hearing on 28 April 1701 *Mr. Cooper* and *Mr. Phipps* were heard for the Appellants, and *Mr. Dobbins* was heard for E. Kildare, to this effect: We say this is his estate, and, by what Sir Arthur Shaen offered in

\* The proceedings in connection with this Petition are dealt with in Lloyd *v.* Carew, House of Lords MSS., Vol. III. (New Series), No. 1,180.

† See Colles' Reports, p. 122.



this Cause, he owns it was our estate. The lease of 40 years was precedent to the marriage settlement. *Mr. Sloane* also heard for *L. Kildare*, and *Sir Barth. Shore* and *Mr. Pooley* for Respondent. After the replies, *Asked*, If this Decree be affirmed, that *E. Kildare* may try his right. *Answered by Respondent's Counsel*: He may, and this Decree cannot be given in evidence. *The Earl's Counsel* say they think this Decree does him a great hurt. Then *E. Kildare's* Petition (Annex (a)) was dismissed, and the Order complained of in *Handcock's* Appeal was reversed, as in *L. J.*, XVI. 662-3. MS. Min. The House amended this Judgment on 13 May 1701, after hearing *Mr. Pooley*, *Mr. Cooper* and *Mr. Sloane*. MS. Min. See also Annex (d) On Petition of Respondent (Annex (e)), *Mr. Phipps* and *Mr. Sloane* were heard on 22 May 1702, when, after hearing *Mr. Guidet* [Guidolt] and the other agent, the Lords told Counsel that they expected their Order to be complied with in Ireland. MS. Min. 22 May 1702. On 17 Jan. 1705-6, the Earl petitioned the House for reission of the Order to pay his rents into Court (Annex (f)). On the Hearing of this Petition on 28 Feb. following *Sir Thomas Powys* was heard for the Earl and *Mr. Phipps* for *Sir Arthur Shaen*. MS. Min. *L. J.*, XVIII. 131.]

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No. 1536.

Annexed :—

- (a) 14 March. Petition and Appeal of *John, Earl of Kildare*, against the same Decree, whereby he had been deprived of his property without being heard. He recites the circumstances set out in *Handcock's* Appeal above, and asserts his right to the premises under his father's marriage settlement, which was made before the pretended leases upon which *Shaen* relies. Signed *Kildare*. Countersigned *T. Powys*, *James Sloane*, *Wm. Guidett*. Endorsed as read this day. Dismissed 28 April 1701. *L. J.*, XVI. 547, 662. See also Note above.
- (b) 7 April 1701. Answer of *Sir Arthur Shaen, Bart.*, to *Handcock's* Appeal. *Wentworth*, late *Earl of Kildare*, in 1656, demised the premises worth 100*l.* a year, to Respondent's father for 41 years for 1,250*l.*, at a yearly rent of 110*l.*, and in 1659 the reversion thereof for 99 years to *John Humphreys*, deceased, in trust for him, for 450*l.*, at a yearly rent of 100*l.* In 1660 he conveyed the premises, by consent of *John*, late *Earl of Clare*, whose daughter he married, and of *Hon. Robert Boyle*, *E. Kildare's* uncle, to the late *E. Anglesey*, then *Arthur Annesley*, and others, in trust for *Sir James Shaen* and his heirs, for 1,000*l.* The Appellant *Handcock*, in his Answer below, acknowledged *Sir James's* title to the premises, and the Appellants paid 40*l.* a year rent for the premises to *Sir James* for their whole term of 29 years, at the expiration of which they offered to continue his tenants at an under rent, and on his refusal they declined to give up possession, and attorned tenants to *John, Earl of Kildare*. The Decree appealed from is just. Prays the Appeal may be dismissed with costs. Signed *Art. Shaen*. Countersigned *Ric. Turner*. Endorsed as brought in this day.
- (c) 7 April 1701. Answer of *Sir Arthur Shaen* to *E. Kildare's* Appeal (Annex (a)). The document is almost entirely illegible, but in one part Respondent's allegation appears to be that in 1680 he was ousted of part of the lands sold to his father (but not those in *Westmeath*) by an ejectment obtained by surprise when he was under great trouble, but that the Earl was never, by himself or his undertenants, in possession of the lands in question, so that there was no need to make him a party in a

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suit against tenants who had held over their term. *Signed* Art. Shaen. *Countersigned* Rie. Turner. *Endorsed* as brought in this day.

- (d)  $\frac{28 \text{ April}}{13 \text{ May}}$  1701. Copy of an Order of the House on 28 April reversing the Deeree, without prejudice to Sir Arthur Shaen's title, and ordering the Earl of Kildare to be made a party to the suit; with further order on 13 May for the tenants to pay the arrears and growing rents into Chancery in Ireland till the determination of the cause. L. J., XVI. 663, 680.
- (e) 20 May 1702. Petition of Sir Arthur Shaen. He has complied with the above Order, and charged the tenants with 4,991*l.* as the mean profits of the premises, which are to be computed by Dr. White, one of the Masters; but the tenants refuse to pay anything into Court, alleging that they had no lease from Respondent after 1686, so that there are no growing rents, and sheltering themselves under a pretended lease from E. Kildare since the Deeree. Prays the House to explain the words, growing rents, as the mean profits. The lands are those of Killinure and others in Westmeath. *Signed* Art. Shaen. *Endorsed* as read this day. L. J., XVII. 140. *See* Note to first paper.
- (f) 17 Jan. 1705-6. Petition of John, Earl of Kildare. He has answered Sir Arthur Shaen's amended Bill, but the latter, having obtained the Order for the rents being paid into Court, and having been elected to the Irish Parliament, will not bring on the hearing, and insists on his Privilege to delay it. It is unusual to order a Defendant's rents to be paid into Court without title shown by a Plaintiff, or without apparent delay used by the Defendant or inability to pay, which Petitioner is not guilty of. Prays for discharge of that part of the Order directing the payment into Court, and for the payment to Petitioner of rents already paid in. *Signed* Kildare. L. J., XVIII. 68. *Endorsed* as read this day. *See* Note to first paper.
- (g) 11 Feb. 1705-6. Petition of Lady Frances Shaen, widow and relict of Sir James Shaen, Bart., deceased, on behalf of herself and her son, Sir Arthur Shaen, Bart. Has lately received the annexed letter (*see* next paper) enclosing a copy of the Petition (Annex (f)) and of the Order to answer by 7 Feb. Sir Arthur has been at his house in Connaught, about 60 miles from Dublin, for the last seven months, and could not have answered within the time. The tenants have refused to pay any rents into Court pursuant to Order of 18 May 1701, as appears by the annexed certificate, so the Earl has no ground of complaint. Petitioner is interested in the lands in question, and entitled to a third of the rents. Prays for further time for Sir Arthur to answer. *Signed* F. Shaen. On the third page is a copy of the certificate of F. Burton (Annex (i)). L. J., XVIII. 97.
- (h) Letter from Mor. Dowling to the Rt. Honble. the Lady Frances Shaen, in Compton Street, near St. Ann's Church, London. The copy of the Petition and Order were served on the writer on 26 Jan., which was not good service, as it was not personal service on Sir Arthur Shaen, who had been in Connaught for the last seven months. The complaint was frivolous, seeing that no money had been paid into Court, as appeared from the enclosed certificate. Sir Arthur had



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preferred several Bills on L. Kildare and his agent to produce a settlement of 1659 which was material to confirm his title, but had been met with shuffling answers. Asks Lady Frances to employ a solicitor, and obtain further time to answer. The writer told Mr. Hatfield, who served him, that he was neither agent nor solicitor for Sir Arthur, but he believes some blind affidavit of Service will be sent, which may pass if not opposed. *Dated* Dublin 29 Jan. 1705-6. [*Appended* to preceding.]

(i) Certificate of F. Burton, usher of the Court of Chancery in Ireland, that neither Wm. Handcock nor Leonard Hatfield had paid in any sums into Court since 13th May 1701 on account of rent for the lands in question. *Dated* 28 Jan. 1705-6. [*Enclosed* in preceding.]

(k) Affidavit of Patrick Travers that preceding certificate is in the handwriting of Francis Burton, the usher of the Court of Chancery in Ireland, which he knows well. *Sworn* before Rich. Holford, 11 Feb. 1705-6. [*Attached* to preceding.]

(l) 26 Feb. 1705-6. Answer of Sir Arthur Shaen, Bart. His delay in bringing on the Hearing is caused by the refusal of Petitioner to bring into Court a tripartite deed of 31 December 1659, executed by the late Earl of Kildare, upon which Respondent's title to the lands he purchased from him depends. Mr. Robert Porter, Petitioner's agent in Ireland, denies all knowledge of this deed since it was taken out of his custody and carried to London. Hatfield and Handcock have paid no rents into Court, as appears by the usher's certificate, but have kept them in their own hands; and though the lands may be valued at 250*l.* a year, as appeared at the Hearing, these tenants or one of them, obtained a lease of them from the Earl for 100*l.* a year only. Prays that the Order for payment into Court may not be revoked until the tripartite deed has been produced to enable Respondent to proceed to a hearing. *Signed* Arthur Shaen. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

1537. March 14. Water Measure of Fruit Bill.—Commons', Engrossment of an Act for ascertaining water measure of apples and pears. The Bill is almost identical with an Act passed in 1702.\* The principal difference is that the fine for not using the regulation water measure is only five shillings in the Bill whereas it is ten shillings in the Act, "one half to the informer and the other half to the poor of the parish where such offence shall be committed." In the Bill this fine is to be levied by the churchwarden or the overseers of the poor: in the Act by the petty constable on the warrant of a justice of the peace, mayor, or other head officer. *Parchment Collection*. [The Bill was brought from the Commons this day, but was apparently dropped in Committee. L. J., XVI. 543, 552, 553. Com. Book 21 March.]

1538. March 20. Robinson's Estate Act.—Consent of Mr. William Williams, great uncle and nearest relation of Sir Thomas Robinson and his sister Anne, to the Bill for the vesting the manor of Overhall and other lands in the county of Suffolk (the estate of Sir Thomas Robinson, Bart., under the age of 21 years) in trustees for the raising 7,000*l.* for the portion of Anne Robinson, his only sister, and for the vesting the lands and personal estate of Anne in Sir Thomas in lieu

\* See 1 Anne c. 9 in Fol. Ed.



1699-1700. thereof. Anne's grandmother Amey Lawrence, settled lands worth 226*l.* per annum in trust to raise 3,500*l.* towards Anne's portion and 150*l.* per annum till she should attain the age of 15 years or be married, these sums to be paid her at the day of marriage or age of 21; and by the Will of her mother Dame Anne Robinson, Anne had a moiety of the manors of Gatesbury and Stansfeld, Suffolk, of a mortgage of Agardsly Park, Staffordshire, of another in Norfolk for 500*l.*, of several tenements in St. Catherine's, London, and of her mother's household goods and personal estate. The other moiety belonging to Sir Thomas, the property cannot be divided, so the parties have agreed to secure to Anne 7,000*l.*, the full value of her share, for her portion, in order to her present preferment in marriage, her share of the property going to Sir Thomas in lieu thereof. This cannot be effected without an Act of Parliament, to which Mr. Williams consents. *Dated* 16 Feb. *Signed* Will. Williams. *Sealed* and delivered in presence of John Williams, Wm. Gostling. [Read before the Select Committee this day, and proved by William Gostling. Com. Book. The Bill was brought from the Commons on 4 March. Royal Assent 11 April 1700. L. J., XVI. 535, 579. 12 Will. III. c. 38 in Long Cal.]

1539. March 20. Woollen Manufactures, &c. (Export Duties) Act.—Petition of Frances, Duchess Dowager of Richmond and Lenox, and of her under-farmers of the duties of subsidy and aulnage on woollen manufactures. By some words in the Bill for the taking away the duties upon the woollen manufacturers, corn, grain, bread, biscuit, and meal exported, now before the House, Petitioners' right in the said duties for a term of years yet to come will be greatly prejudiced and in danger of being destroyed. Pray to be heard by Counsel, to offer an amendment to the Bill. *Signed* F. Richmond and Lenox, John Eyles, John Smith. [Read this day. *Ordered* that Petitioners be heard by one Counsel in C.W.H. L. J., XVI. 553. The Bill was brought from the Commons on 14 March. *Ib.* 548. On 23 March, in C.W.H., L. Herbert in the Chair, *Sir Thomas Powys* heard for the Duchess: We desire that the Bill may stand as it was without these words in it "or other sooner determination, except for nonpayment of rent within three months after the same become due and payable." This Act says she is not to recover upon quiet under her Patent. This gives rise for another attempt upon her Patent. If this stands, no relief in Equity can be had upon any forfeiture. *Mr. Sloane* heard for Sir John Iles [Eyles] and Sir John Smith who have paid the Duchess 9,000*l.* for a fine: We hope you will not suffer any prejudice to the Duchess now more than formerly. The words complained of (which are in the middle of Section 2 of the Act, 11 Will. III. c. 20, Fol. Ed.) were omitted, but, on the Commons disagreeing to this amendment, it was not insisted on. MS. Min. L. J., XVI. 557, 565, 566, 570, 571. The Bill received the Royal Assent on 11 April 1700. *Ib.* 578.]

1540. March 20. Child's Estate Act.—Petition of Richard Child, Esq., on behalf of himself and others concerned in interest in a Bill depending before the House for vesting certain lands and tenements late of Sir Josiah Child, Bart., deceased, in trustees for the purposes in the said Bill mentioned. Owing to the distance of the abode of the several persons concerned in the Bill, they could not be brought together to give their consent sooner, so that Petitioner could not offer the Bill before. All parties assent to it, and Petitioner prays for a short day for the Committee to meet. *Signed* Richard Child. [Read this day, and meeting of Committee hastened. L. J., XVI. 554. There

were no amendments. Com. Book 26 March 1700. The Bill was brought from the Commons on 15 March. Royal Assent 11 April 1700. *Ib.* 549, 579. 12 Will. III. c. 43 in Long Cal.] 1699-1700.  
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No. 1540.

Annexed:—

(a) 26 March 1700. Consent of Edward Bullock, Esq., and Mary, his wife, to the Bill. *Signed* Edw. Bullock, Mary Bullock. *Dated* this day. [Produced this day before the Select Committee. Com. Book.]

1541. March 22. Gaols (Building and Repairing) Act.—Draft of Section 8 of the Act, 11 Will. III. c. 19, to enable justices of the peace to build and repair gaols in their respective counties. The section exempts Peers' houses from distraint for the duties, and was added this day in C. W. H. MS. Min. [The Bill was brought from the Commons on 18 March. Royal Assent 11 April 1700. L. J., XVI. 550, 578.]

1542. March 25. Mansell's Estate Act.—Letter from Mrs. Mansell [to Mr. Thomas Drew]. Mr. Mansell's father left a great incumbrance on the estate, without sufficient provision in his settlement for discharging the debt. She therefore, to prevent the ruin of the estate, joins to have an Act passed for the sale or mortgage of part of the estate to pay off the debt and raise a portion of 2,000*l.* for her younger child or children, with remainder on herself and her son. Desires he will be concerned in seeing the estate settled, after payment of debts and portions, which amount to over 4,000*l.*, according to the deed of settlement, which she has written to her sister Duck to send to him. The estates settled on her marriage are the two impropriations of Llanriddian and Penrice. The lordship of Henlys and other lands, &c., are unsettled, and Mr. Mansell agrees that they should be settled on her and her son, if Llanriddian be mortgaged or sold. Mr. Thomas Mansell, son of Sir Edward Mansell, of Margam, will act with him (Mr. Drew), and she hopes she need not doubt of his kind compliance. Mr. Mansell employs one Mr. Price, a lawyer and Member of the House, in managing this affair in the Commons. *Signed* Your affectionate kinswoman and humble servant M. Mansell. *Dated* Henlys, 18 Dec. 1699. [Produced this day before the Select Committee on the Bill, and the handwriting sworn to by Benjamin Jenkins. Com. Book. The Bill was brought from the Commons on 14 March. Royal Assent 11 April. L. J., XVI. 548, 579. 12 Will. III. c. 41 in Long Cal.]

1543. March 26. Howland's Estate Bill.—Consents of Wriothesley, Marquess of Tavistock, and of Elizabeth, his wife, to the Bill for taking the estate in law of several messuages and lands in the county of Leicester and elsewhere, formerly mortgaged by Sir Henry Hudson and Edward Hudson, his son, to Geoffrey and Samuel Howland Esqs., their heirs and assigns out of the Marquess of Tavistock and his Lady. *Dated* 9 March 1699. *Signed* Tavistock, E. Tavistock. *Attested* Jo. Spencer, James Legg. Below is the consent of Elizabeth Howland, widow, mother of the Marchioness and administratrix of John Howland, Esq., her husband, deceased, and administratrix *de bonis non* of Geoffrey Howland, Esq., with his Will annexed, to the same Bill. *Dated* as above. *Signed* Eliz. Howland. *Attested* James Legg. [Produced this day before the Select Committee on the Bill, and proved by James Legg. There was one verbal amendment, which was agreed to by the Commons. Com. Book. The Bill was brought from the Commons on 20 March. Royal Assent 11 April L. J., XVI. 553, 579. 12 Will. III. c. 53 in Long Cal.]



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1544. March 26. Bone Lace Act, 1697, Repeal Act.—Petition of sundry dealers in English bone lace, in behalf of themselves and many thousand dealers in and manufacturers of the said commodity. The making of bone lace has been an ancient manufacture of this Kingdom, for the encouragement whereof many laws have been heretofore made to prohibit its importation from foreign parts. The Bill to repeal the Act for rendering the laws more effectual for preventing the importation of foreign bone lace, loom lace, needlework, point and cutwork, would ruin many families, and particularly such as have entered into the said manufacture upon the encouragement of that Act. Pray to be heard at the Bar against the Bill. *Signed* by Richard Minifie and 56 other persons. [Read this day. *Ordered* as prayed. L. J., XVI. 560. The Bill was brought from the Commons on 23 March. *Ib.* 557. On 28 March, *Mr. Gardner* heard for the Petitioners: 'This will ruin thousands of families. 10*l.* worth of thread from Flanders makes 100*l.* worth of lace. *John Clarke, David Abbot, Richard Marriott* and *Jonathan Holland* were then examined. They read the foreign prohibition. *Mr. Gardner* heard upon the Acts of prohibition of bone lace and against the clause relating to the Lord Mayor's appointing [a] place for selling bone lace. *Mr. Clayton* heard for the Bill. The Bill was then read 2<sup>a</sup> and committed to C.W.H. forthwith. In C.W.H., L. Herbert in the chair, the last clause was left out. This amendment was agreed to by the Commons. MS. Min. The Bill received the Royal Assent on 11 April. L. J., XVI. 578. 11 Will. III. c. 11, Fol. Ed.]

1545. March 27. Plate (Assayers and Standard) Bill.--Commons' Engrossment of an Act for appointing assayers of plate, and settling the old standard thereof within this Kingdom. Whereas by an Act of Parliament made in the eighth and ninth years of his present Majesty, entitled, An Act for encouraging the bringing in wrought plate to be coined, it is amongst other things enacted, That from and after the five and twentieth day of March, one thousand six-hundred ninety seven, no goldsmith, silversmith or other person whatsoever, should work or make, or cause to be wrought or made, any silver vessel, plate or manufacture of silver less in fineness than that of eleven ounces and ten penny-weight of fine silver in every pound Troy, nor put to sale, exchange or sell any silver vessel, plate, or manufacture of silver, made after the said five and twentieth day of March (unless it be silver wire or such things as in respect of their smallness are not capable of receiving a mark) until such time as such vessel, plate or manufactured silver should be marked as follows, (that is to say) with the worker's mark to be expressed by the two first letters of his surname, the marks of the Mystery or Craft of the Goldsmiths, which instead of the leopard's head and the lion, should, for that plate, be the figure of a lion's head erased, and the figure of a woman, commonly called Britannia, and a distinct variable mark to be used by the Warden of the said Mystery to denote the year in which such plate is made, upon pain that all such silver vessels, plate or other manufactured silver which should be made, exposed to sale, sold or exchanged contrary to the said Act, or the value thereof, should be forfeited, the one half thereof to the King, and the other half thereof to such person or persons that will seize or sue for the same, to be recovered by action, bill, suit or information in any Court of Record, wherein no essoign, protection, wager of law, or more than one imparlance should be admitted. And if any silversmith, goldsmith or other person should after the said five and twentieth day of March, make any silver vessels, plate or manufactured silver contrary



to the said Act and the same should be touched, marked or allowed for good by the Wardens or Masters of the said Mystery, or those authorised or employed by them for the assaying and marking of plate, and if in the same there should be found any falsehood or deceit, then the Wardens and Corporation of that Mystery for the time being should forfeit and pay the value of the plate so deceitfully marked; the one-half thereof to the King, and the other half to any person or persons that should buy the same, and be grieved thereby, to be recovered as aforesaid. And whereas, the standard established by the said Act has been found prejudicial to the public in making the said plate dearer and less serviceable to the buyer thereof. It is hereby enacted by the King's most Excellent Majesty, &c., That so much of the said Act only as relates to the working of plate and every sentence and branch contained in the said Act concerning the same, shall from and after the four and twentieth day of June, one thousand seven hundred, be and is hereby repealed, annulled, revoked and utterly made void, anything contained in the said Act touching the clause aforesaid in anywise to the contrary notwithstanding. And for the more effectual preventing of frauds and abuses in the silver manufacture of this Kingdom, Be it enacted by the authority aforesaid, that from and after the said four and twentieth day of June, eleven ounces two pennyweight of fine silver in the pound Troy, with eighteen pennyweight of alloy shall be the standard of silver plate throughout the Kingdom of England, Dominion of Wales and town of Berwick-upon-Tweed. And for the better putting this Act in execution, the several cities and town within this Kingdom hereinafter mentioned, shall be and are hereby appointed for the assaying and marking of plate, viz.:—the cities of York, Bristol, Exeter, Chester, Norwich and the town of Newcastle-upon-Tyne. And the better to enable the said cities and town aforesaid to execute the powers and authorities and the directions given by this Act, Be it enacted by the authority aforesaid, That in every of the cities and town aforesaid the goldsmiths, silversmiths, and plate workers who are or shall be freemen of, and inhabiting within, such city or town and having served an apprenticeship to the said trade of goldsmith, silversmith, or plate worker, shall be and are hereby distinctly, severally and respectively incorporated a Company of or belonging to such city or town, and shall be called and known by the name of the Company of Goldsmiths of such city or town respectively, which Company of such city or town shall be enabled, and are hereby authorised annually, to choose three persons to be Wardens of the said Company in each of the said cities or town respectively, which said Wardens shall continue for one year and no longer, unless re-elected by the said Company. And if any of the said three persons so chosen as aforesaid shall happen to die, or remove out of such city or town, then the said Company shall, within a month after the death or removal of any such person, choose another person of their Company in his room, and such person so chosen is hereby empowered to act accordingly. And be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, no goldsmith, silversmith or other person whatsoever, shall make or sell, or cause to be wrought, made or sold, any silver vessel, plate or manufacture of silver less in fineness than that of eleven ounces and two pennyweight of fine silver in every pound weight Troy with eighteen pennyweight of alloy, nor put to sale, exchange or sell any other vessel, plate or manufacture of silver that shall be made after the said four and twentieth day of June, until such time as such vessel, plate, or manufactured silver shall be marked as followeth (that is to say), with the worker's mark to

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be expressed by the two first letters of his surname, the mark of the Mystery or Craft of Goldsmiths, which instead of a lion's head crased and the figure of a woman, commonly called Britannia, shall be the leopard's head and the lion, and a distinct mark to be used by the Wardens of the said Companies to denote the year wherein such plate is made, together with the arms of such city or town, upon pain that all such silver vessels, plate or other manufactured silver which shall be made exposed to sale or exchanged contrary to this Act, shall be forfeited, or the value thereof, the one half thereof to the King, and the other half to such person or persons as shall sue for the same to be recovered by action of debt, bill, suit or information in any Court of Record in any county or place wherein such offence shall be committed, and wherein no essoign, protection, wager of law, or any more than one imparlance shall be allowed. And if any goldsmith, silversmith, or other person shall, after the said four and twentieth day of June make any silver vessel, plate or manufactured silver contrary to this Act, and the same shall be touched, marked or allowed for good by the respective Wardens of the said Companies or those authorised for the assaying and marking of plate; and if in the same there shall be found any falsehood or deceit, then the respective Wardens or other persons so touching marking and allowing the same for good shall forfeit and pay the value of the said plate so touched, marked and allowed to be recovered in manner as aforesaid. And be it further enacted by the authority aforesaid, That in all the said cities and town there shall be an able and skilful man, experienced in assaying of gold and silver, elected by the said Companies of Goldsmiths of the aforesaid cities and town respectively, who shall have the trial and assaying of all such plate as shall be brought to him to be touched. And if the said assayer shall find the same to be of the goodness of eleven ounces and two pennyweights Troy with eighteen pennyweight of alloy, that then the same shall be marked with the marks before mentioned, and the said assayer shall receive and deliver the same by weight to the owner or bringer in thereof, excepting eight grains only upon every pound weight Troy, which each assayer is hereby empowered to take from every pound weight Troy of plate, to be disposed of as hereinafter mentioned; that is to say, four grains thereof shall be taken and put into a box, which four grains shall be called the Diet; and the other four grains shall be allowed to each respective assayer, for his waste and spillings in making the trial of the said plate. And it is hereby further enacted, That every assayer shall, at the entrance upon his office, take the oath following, viz., I, A. B. do swear that I will be faithful and true to our Sovereign Lord King William, and will, so long as I shall continue an assayer, well and faithfully behave myself in the said office, and no profit to myself take to the hurting or hindrance of any person that is owner or bringer in of any gold or silver in plate to be assayed, except of plate wrought only four grains of every pound weight to be taken and put into the box of Diet, and other four grains to be taken likewise of every pound weight of plate wrought and not otherwise, towards my waste and spillings in making the said assays, and that I will touch no gold but what shall be of the goodness of two and twenty carats, and no silver but what shall be of the goodness of eleven ounces and two pennyweights. Also all such gold and silver as shall be brought to me to be touched, I will truly set down in writing and the same at all times as I shall be required will duly and truly deliver again, except eight grains as aforesaid, and will true accounts make thereof when thereunto required by the Wardens of such Companies wherein I am



chosen assayer. And that I will no assays make of things new wrought before they be marked with the mark of the owner or maker thereof, and that I will not put into the aforesaid box any silver but that silver which I shall shave, scrape and take from the plate which I shall assay, mark and pass for standard, So help me God. Which oath the mayor or chief magistrate in the respective cities and town aforesaid is hereby required and empowered to administer to such assayers. And it is hereby further enacted, That the box or boxes wherein the Diet of all such plate as shall be tried by the assayers aforesaid, shall be locked up with three different locks, and the respective keys thereof shall be kept by the Wardens of such respective Company by whom such assayer shall be elected and chosen, which box or boxes shall be conveyed as oft as required by the Wardens to his Majesty's Royal Mint at the Tower of London, together with the keys belonging to the same; there to be tried as the coin of the Kingdom is tried. And if in any of the said Diets there shall be found any falsehood or deceit, then every of the said Wardens of every such Company shall for every such offence forfeit the sum of one hundred pounds, to be recovered as in manner as aforesaid. And that if any plate shall be touched, marked or allowed for good by any of the assayers of the respective places aforesaid, and if in the same there shall be found any deceit, then the assayer who so marked the same shall forfeit double the value of the plate so marked to be recovered in manner as aforesaid. And be it further enacted by the authority aforesaid, That from and after the said four and twentieth day of June every goldsmith, or other worker in gold or silver, inhabiting in any of the cities or town aforesaid, or in any other town or place within this Kingdom where an assayer is not, or shall not be appointed shall take the oath following (viz.): I, A.B. do swear that I will be faithful and true to our Sovereign Lord King William, and true gold and silver without deceit will work and cause to be wrought, so that the gold that I shall work, or cause to be wrought, shall be as good as that of two and twenty carats; and the silver that I shall work, or cause to be wrought, shall be as good as that of eleven ounces and two pennyweights, So help me God. Which oath shall be administered unto them by the mayor or chief magistrate of the cities or town respectively, who is hereby required and empowered to administer the same. And that every such workman shall, at the same time, enter his name and his mark and place of abode with the Wardens of such Company of that city or town respectively in or next to which he shall inhabit or dwell. And if any workman shall strike any other mark on plate, than what is so entered, such workman shall forfeit double the value of the plate so marked, to be recovered in manner as aforesaid. And be it further enacted by the authority aforesaid, That every goldsmith, silversmith or other person whatsoever within this Kingdom that shall after the said four and twentieth day of June work or make, or cause to be wrought or made, any silver vessel, plate or manufacture of silver less in fineness than that of eleven ounces and two pennyweight of fine silver in every pound Troy, with eighteen pennyweight of alloy, or put to sale, exchange, or sell any silver vessels, plate or manufacture of silver made after the said four and twentieth day of June (unless it be such things as in respect of their smallness are not capable of receiving a mark) until such vessel, plate or manufactured silver shall be marked with the worker's mark to be expressed by the two first letters of his surname, and likewise with such other marks as shall be used by the particular assayer in or near the place where such plate is made, such person or persons shall forfeit double the value of such

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 No. 1545. plate to be recovered as aforesaid. And be it further enacted, That if any person shall counterfeit any of the stamps appointed by this Act to be used by the said Wardens or assayers for marking wrought plate, such person shall for every such offence forfeit the sum of five hundred pounds, to be disposed and recovered in manner as aforesaid, and shall likewise suffer imprisonment for the space of one whole year. And whereas it is not the intent and meaning of this Act to hinder any person or persons not inhabiting within any the cities or town aforesaid from exercising his or their trades of goldsmiths, silversmiths, or plateworkers, yet for preventing of abuses and corruption therein, it is hereby further enacted, That all and every goldsmith, silversmith and plateworker inhabiting in any town or place where an assayer is not or shall not be appointed, elected or chosen, shall first fix his or their mark upon all his and their plate which shall be made from and after the said four and twentieth day of June, except such things as by reason of their smallness are not capable of receiving a mark, and shall then bring or send the same to the next city or town where an assayer is or shall be appointed, elected or chosen, and the same shall be there assayed according to this Act. And if by the said assayer it shall be found to be of the fineness appointed by this Act, then the same shall be marked by the said assayer as he is by this Act required to mark the plate of the respective Company by which he shall have been chosen an assayer, Provided always that nothing in this Act contained shall extend or be construed to extend to alter the mark of any silver vessel, plate or manufactured silver to be made, wrought, sold or put to sale after the said four and twentieth day of June within the city of London and weekly Bills of Mortality, but that the same shall and may be marked in such manner as has been formerly accustomed and used by the Wardens of the Company of Goldsmiths of the city of London, before the making of the above-recited Act. And be it further enacted by the authority aforesaid that all such persons as shall have assay and touch at Goldsmiths' Hall shall take the same oath as the Freemen of the Company of Goldsmiths, London, do in relation to the true working of gold and silver, which oath the Wardens of the said Mystery are hereby empowered to administer. And be it further enacted by the authority aforesaid, That all such manufactured plate as shall be wrought within this Kingdom from and after the said four and twentieth day of June, being of the goodness of eleven ounces and two pennyweights and marked, as by this Act is directed, shall and may be exported to any of his Majesty's plantations, paying the usual duty. *Parchment Collection.* [Brought from the Commons this day. L. J., XVI. 561. On 4 April, in C.W.H., L. Ferrers in the Chair, *Dr. Newton* was heard, and says, the Officers of the Mint have commanded him to lay before this House their opinion. The money will be melted down more easy. *Mr. Hoare* heard for the Bill. *Dr. Newton* says, I am afraid the more plate is made the more danger the money will be in. They withdrew. The House was resumed. MS. Min. The Bill was then dropped.]

1546. March 27. Piracy Act.—Draft of a Clause, marked A, forming Section 15 of the Act for the more effectual suppression of piracy, 11 Will. III. c. 7, Fol. Ed. [The Bill was brought from the Commons on 23 March. L. J., XVI. 557. On 27 March, in C.W.H., E. Stamford in the Chair, the above clause and another (Annex (a)) were added, and various other amendments, mainly of a drafting nature, were made. MS. Min. The Bill received the Royal Assent on 11 April. L. J., XVI. 578.]

Annexed :—

(a) 27 March. Amended Draft, marked B, of Section 18 of the above-named Act, added this day by the Lords in C. W. H. MS. Min. The amendments made in the clause, as originally drafted, were to insert the date, to substitute the words, or shall refuse to bring home, for the words, and not endeavour to his utmost to bring home, and the words, being thereof legally convicted, &c., to the end, for the words, be punished with.

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1547 March 28. Adornes Ronsele.—Letter from Adornes Ronsele to the House, as follows :—

May it please your Lordships,

Whereas I am the greatest sufferer upon the English account that ever has been. I hope your Lordships will not take it ill, if I take the freedom to acquaint your Lordships with my lamentable circumstances since the reduction of Ireland. Having some notions that the Roman religion was not the true one, which I durst not examine in Flanders (my native country) I married in London Mrs. Louise Carteret, niece to Sir Edward Carteret, and having raised considerable sums of money upon my estate, I brought her to Ireland and settled in Connacht [Connaught], anno 1686, which money was employed in stock, etc. The wars broke out soon after, and being importuned by the Marquis d'Albeville and others to serve the late King James, I constantly refused it, embracing courageously the good English cause, though then a Roman Catholic. First I was suspected that I would deliver the house and castle of Shrule, where I lived, (belonging to my Lord Clyrickard [Clanricarde]), into the hands of the English, who were thought to be in their way from Sligo to Galway, for which I was highly affronted and in great danger of my life. And not long after (when they thought to assassinate me at the General Assembly of Ballinrobe) the whole county having conspired against me, and sworn my death as a rebel, I fled to Galway, leaving all my substance behind me, where I did all the service I could to the poor distressed English and to numbers of prisoners of war, amongst whom were several officers, maintaining the greatest part of them with victuals, money, clothes, tobacco, etc., for the space of 22 months, furnishing them with all necessaries when they were released. I have procured many passes under hand for poor English people, giving them saddles, bridles, money, according as every one wanted it, to repair to his Majesty's army, and several by my contrivance, and good counsel of my wife, stole away in the night to make their escape; for all which I have paid very dear. King James's frigate lying in the harbour of Galway, and ready to sail to the rebels in Scotland, carrying 14 guns and 6 pateraroes, laden with provisions and ammunition, and was thought to be worth 2,000*l.*, was, by my contrivance, my life lying at stake for it, taken away by the English prisoners and brought safe to Dublin in my Lord Coningsby's time, not being possible for me to run away with them, because of my wife and family; which has been looked upon as a very bold action, and an extraordinary service besides the value of the ship, and that the rebels were disappointed. But the Irish highly incensed for my great zeal and affection to the English, had me several times arrested, and twice put upon the main guard as a rogue; sometimes confined in my chamber, and finally, when all was



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either lost or consumed (having sold the very chairs of my house to maintain my family, the prisoners, and some poor or distressed English families) I was thrown, as a vagabond, into the common nasty dungeon, from whence the poor prisoners were purposely removed and put into a clean place (the better to mortify me) so that I was worse used than a dog, having no manner of comfort or allowance, and lived upon providence, being sick to die, all which hardship was so great that I had never my health since to my great sorrow; and if Galway had not been surrendered, I should have been hanged as a traitor, which appeareth out of this following letter written to my wife, viz.: By my Lord Lucan's orders, I let you know that your husband's enlargement cannot be granted upon any account, for the French general is satisfied that he came into this country to get intelligence for the enemy, and therefore your request cannot be granted. From the camp, 10 July, 1691; and was signed John Geydon. But my Lords, if I had been hanged, I should have died gloriously, and upon an honourable and just subject, and should have died but once, whereas I have died a hundred times since, overladen with grief and affliction and misery, which my poor wife and I have endured this terrible long while. Having thus escaped the Irish fury, the Lords Justices Poorter [Sir C. Porter] and Coningsby were pleased to give me something out of the Concordatum, having then nothing in the world left me, with an honourable recommendation to the Lords of the Treasury, who were very kind to me, otherwise I might have perished with hunger; and my misery has increased by the expenses my wife has sustained in Flanders these 8 years against the creditors from whom I had raised the money upon my estate which was lost in Ireland, which have been greater than all the allowance given me by the Government. And finally, not being able for want of money to withstand the said creditors, the whole estate was sold for little or nothing, and consequently at my great disadvantage 12 March 1699[—1700] to the entire destruction of myself and family, I being in debt here and my wife in Flanders. It is now 9 years ago, my Lords, that I have laboured to have some recompense of my services and my great zeal and affection to the King and Government; but for want of friends and interest, though all the Lords Justices have spoken and written in my behalf, I have obtained nothing but of late, so that my condition has been worse than that of an ordinary servant, and besides either despised or slighted almost by everybody, which yet grieves me more than all my losses, sufferings and troubles. Two years ago, his Majesty was pleased to refer my petition to the Lords Justices of Ireland, who referred the same with all the certificates, to Mr. Broderick, the King's Solicitor-General, who in the latter end of his Report says—I am convinced that he is reduced to the last degree of necessity, and almost to despair, and therefore am humbly of opinion that your Excellencies will deserve very well of all the Protestants of Ireland, for whom your petitioner has expressed so much tenderness and humanity in relieving of them as many as he had opportunity to relieve, and will do an act pleasing to God and all good men, if you think fit, to recommend him, etc. Nothing could be said more to put an end to my misfortunes. This reference having no effect (which caused my entire ruin, giving the mortal stroke



to all my concerns, because soon after my estate was sold) I did present a petition to the House of Lords here 13 months ago, and their Lordships did me the favour to recommend me to the King. Whereupon, his Majesty was most graciously pleased to give me a grant of 200*l.* a year out of the forfeited estates, which lands being found out with much ado in October last, and all being ready to be signed by the Commissioners, we heard the resolution of the Parliament of recalling the King's grants, and so I have lost my 9 years' labour, besides the money I have spent about it, and going 3 times backwards and forwards from Dublin to London; so that I am the most unfortunate person that ever lived, not having received one farthing of this gratuity, contrary to the other patentees. Here, my Lords, you see the most lamentable case in the world, and no pen can express what sorrow, grief, miseries and inconveniences I have undergone here, and my poor wife in Flanders these 9 years, which is a longer time than an apprenticeship. During that time I have lived without a servant, though I have a daughter with me of 13 years old, who deserves great pity from all persons of honour, for it was her estate, settled upon her before the war, that was sold in Flanders and upon which the money was raised which was lost in Ireland, so that my faithfulness to the English Government has rendered her a most unfortunate creature. In a word, my Lords, the miseries we have endured, which are now greater than ever, would move the very stones and break a thousand times the hearts of persons of greater courage and patience than we. For I find myself without friends or credit, the only nobleman of my country that is a Protestant, banished from my country for religion's sake, with the irrevocable loss of all the titles and prerogatives of my house. In all appearance, my Lords, this great misfortune would not have befallen me, if I had not so effectually and sincerely embraced the interest of the King and Government, whom, I dare say, I have really served not out of hope of any advantage, as it may easily be proved, for my troubles and losses are too great; but out of a free mind and tender affection; my wife's having been the same. And therefore I desire your Lordships most humbly to do me that justice as to consider what a lamentable case this is for a person of quality, whose ancestors have been 25 times Dukes of Genoa, and have almost lived 500 years in the city of Bridges [Bruges] in Flanders, in great lustre and splendour (according to the certificates thereof) to have been reduced even [ever] since the reduction of Ireland to move heaven and earth, as it were, to get a piece of bread, which God knows, is eaten in tears and sorrow,—which made a great person say not long ago, that God did sufficiently try my poor family, and that it was a wonder that I did not run distracted. Another person of great repute said, that it was a burning shame, that a stranger and a person of quality had been left all this long while in that miserable condition for want of friends, after having sacrificed all his substance to the English interest, but alas! *ad quid servit pietas, quæ non jurat*. Now, my Lords, I do not know what will become of me, and that perhaps for want of subsistence, necessity will force me to go, God knows whither: and therefore I hope your Lordships will be so gracious as not to take it ill, if, oppressed with mortal grief and uncertain what to do with my family, I have taken the freedom to acquaint your Lordships, as

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well as I have acquainted the House of Lords here, what I have undergone upon the English account, assuring in the meanwhile your Lordships, that I would still do what I have done, and with the same readiness and affection, if I had the opportunity again, of which all the Lords Justices have been very well persuaded, as also the Honourable Privy Council, who highly pity my condition, and would not let me live so miserably, as I do, if the small Concordatum could permit it. His Excellency my Lord Galway and the Lords Archbishops of Dublin and Tuam know more particularly our doleful circumstances here, and my wife's in Flanders, who has contracted a lameness in the last Irish war, which is one of the greatest misfortunes of the world for a young person. I do not know, my Lords, if the Act against the King's grants comprehends my grant or not, because it was never signed, however, for fear of mistake and offence, I dare make no applications to the Honourable House, by presenting a petition, whose resolutions I highly honour. And therefore, my Lords, after having most humbly begged your Lordships' pardon for this great trouble, pray give me leave to subscribe myself with great submission and veneration, my Lords, your Lordships' most humble, obedient and most faithful servant. *Signed* Adornes Ronsele. *Dated* Dublin, 21 March 1699. [On 28 March the L. Chancellor acquainted the House that he had received a letter directed to the House. The letter is signed Adornes Ronsele. The conclusion of the letter was read. MS. Min. No entry in L. J.]

Annexed:—

(a) March 21. Paper entitled, Recommendations and orders in favour of the Baron of Courthny Ronsele. This paper contains copies of various letters and other documents with reference to the above letter to the House of Lords, viz.:—

(a<sup>1</sup>) Letter to Lord Nottingham, dated Aug. 9, 1692, from Charles Poorter and Lord Coningsby, recommending Petitioner to their Majesties' bounty.

(a<sup>2</sup>) Letter to Lord Godolphin from Lord Galway, dated June 28, 1694, from the camp of Cambiole, in Savoy, recommending Petitioner's case to be favourably reported to her Majesty.

(a<sup>3</sup>) Letter to Sir William Trumball, Secretary of State, from Lord Montrath and Lord Drogheda, dated March 23, 1696, from Dublin Castle, setting out Petitioner's misfortunes and recommending him to some competent relief.

A note follows stating that this recommendation was referred by the King to the Lords Justices of Ireland in May 1697. They referred it to Mr. Broderick, the Solicitor-General, who made a favourable report, extracts of which are quoted.

(a<sup>4</sup>) Extract from the Journals of the Irish House of Lords, Jan. 12, 1698, recommending Petitioner to the Lords Justices of Ireland as a proper object of his Majesty's charity and compassion. L. J. (Irish), I. 733. To this is added "I was relieved half a year after with 28 pounds."

(a<sup>5</sup>) Letter to the Lords of the Treasury from Lord Winchester and Lord Galway, dated October 11, 1697, from Dublin Castle, stating the misfortunes of the Petitioner and recommending him to the King's bounty. To this is added, "This recommendation is to be put before that of the Lords Spiritual and Temporal, but had no effect."



(a<sup>6</sup>) Answer of the Lords of the Treasury by his Majesty's Orders upon the recommendation of the Lords Spiritual and Temporal (*see a<sup>4</sup>*) to the Lords Justices of Ireland. *Signed* Tho. Montagu, Littleton, Tho. Smith. Dated, May 30, 1699. This letter states that his Majesty had commanded that a list should be transmitted of so many forfeited estates as amount to the yearly value of 200*l.*, in order that the same might be laid before his Majesty for his further direction therein. To this is added, "The Parliament of England having recalled all the King's grants, my 9 years' negotiation is come to nothing."

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1548. April 4. Wool (Prohibition of Exportation).—Account by the Commissioners of the Admiralty of ships cruizing to prevent the exportation of wool, in accordance with an Act, 10 Will. III. c. 16. Presented this day by L. Haversham, pursuant to Order of 2 April, and read. L. J., XVI. 569. *In extenso*.

1549. April 6. Forfeited Estates (Ireland) Act.—Engrossed Clause added this day in C.W.H. to the Bill, For granting an Aid to his Majesty by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned. The Clause was disagreed to by the Commons and not insisted on by the Lords. It is marked A and is set out *in extenso* in C. J., XIII. 318, the only difference being that the year at the end is 1701 instead of 1700. [The Bill was brought from the Commons on 3 April. L. J., XVI. 567. After first reading, a debate arose Whether it should be read 2<sup>a</sup>, which was adjourned. On 4 April, on the debate being resumed, the entry 23 Feb. 1691 was read out of the Journal. *Moved* to reject the Bill. *Moved* to read the Bill a second time in order to commit it. After debate, the Second Reading was carried by 70 to 23. Tellers: E. Anglesey, E. Rivers. MS. Min. On 5 April, in C.W.H., L. Herbert in the Chair, the title and preamble were postponed; the first enacting clause was postponed, after a division, by 44 votes to 39. Tellers: D. Richmond, E. Kingston. Then the Bill was agreed to down to Press 40. The clause concerning L. Baltimore in Press 40 agreed to. *Agreed* to the clause [concerning] Pendegrass and Delarew. John Leisley clause read. A clause desired to be added to the Bill in behalf of John Burt [Burke] commonly called Lord Bophoun [Bophin]. The land tax read; [Bill read] to Press 51, except postponed [clause]. House resumed and to be again in Committee to-morrow. MS. Min. On 6 April the House was again in Committee. The Committee proceeded to read from Press 51, and agreed to the several clauses. The clause of Commissioners of Excise not to be members of the House of Commons [read]. After debate, the *Question* was put, Whether this clause shall stand part of the Bill? *Resolved* in the negative. Contents 33, Not Contents 56. Tellers: L. Ferrers, L. Byron. In Press 100, line 12 [*Agreed to*] leave out from the word, term, to the word, and, in Press 101, line 8. The other clauses agreed to the end of the Bill. Then the postponed clause was read. *Proposed* to amend it. A proviso was offered and read, and added after the word, notwithstanding, in Skin 3, line 33, by 45 votes to 20. Tellers: E. Searsdale, L. Ferrers. [This was the clause above marked A.] Then the preamble and title were read and agreed to, and the Bill was reported with amendments. MS. Min.—On 8 April after Third Reading, a rider was offered to be made part of the Bill, and read. After debate, the *Question* was put, Whether this rider shall stand part of the Bill? *Agreed to* by 46 to 26. Tellers: V. Longueville, L. Ferrers. (Annex (a).) Then another proviso or rider



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was offered and read. The *Question* was then put, Whether it should be added? \* It was resolved in the affirmative. Contents 37, Not Contents 26: the same Tellers as in the last division (Annex (b)). Then the Bill was passed with the amendments, and returned to the Commons. MS. Min. On 9 April, on the Commons disagreeing to the Lords' amendments, the *Question* was put, Whether this House shall insist on their amendments? The *Previous Question*: Whether this *Question* shall be now put?—was carried by 44 to 35. Tellers: D. Somerset, L. Ferrers. The *Main Question* was then put and carried by 47 to 34. Tellers: E. Searsdale, L. Ferrers. MS. Min. On 10 April, on the message being brought from the Commons for a Free Conference, *Moved* to have the Conference to-morrow. *On Question*: Whether the Free Conference shall be appointed presently? Contents 40, Not Contents 38. Tellers: E. Rivers, L. Ferrers. After the Conference, the L. President reported that they had attended at the Free Conference, and that Sir Edward Seymour said that they [the Commons] did insist for the former Reasons, and that, as for their Lordships' Reasons, they did not think fit to consider of them; and they left the Bill with the Committee. *On Question*: Whether this House will adhere to their amendments? *Resolved* in the negative. Contents 40, Proxies 3, Not Contents 37, Proxies 6. Tellers: E. Anglesey, L. Lexington. *Præsumitur pro negante*. *On Question*: Whether this House will agree with the House of Commons? Contents 39, Not Contents 34. The same Tellers as in the last division. The House then took notice of some words that fell from the L. Bishop of Salisbury upon what the E. of Anglesey [said], to this effect—: It was stuff. The House heard the Bishop explain himself and did no more. MS. Min. The Bill received the Royal Assent the following day. L. J., XVI. 577. 11 Will. III. c. 2, Fol. Ed.]

Annexed—

- (a) 8 April. Engrossed Clause marked B, added this day by the Lords on Third Reading, but disagreed to by the Commons and not insisted on by the Lords. MS. Min. C. J., XIII. 318. *In extenso*.
- (b) 8 April. Engrossed Clause marked C, added this day by the Lords on Third Reading, but disagreed to by the Commons and not insisted on by the Lords. MS. Min. C. J., XIII. 318. *In extenso*.
- (c) 9 April. Commons' Reasons for disagreeing to the Lords' amendments, reported from the Conference this day. L. J., XVI. 573-4. *In extenso*.
- (d) 10 April. Paper containing the Lords' amendments (*see* next paper), the text of Clauses A, B, and C above, and the Commons' Reasons for disagreeing to the Lords' amendments (*see* preceding paper). *Endorsed* as delivered by the Commons at the Free Conference this day.
- (e) 10 April. Lords' amendments to the Bill. C. J., XIII. 318. *In extenso*. The amendments to which the Commons disagreed are marked. *Endorsed* as not insisted on this day.

1550. May 23. Prorogation—Commission for proroguing Parliament to 20 June. *Parchment Collection*. L. J., XVI. 581-2. *In extenso*.

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\* This Question, obviously by mistake, is given as being whether the Bill shall pass.

1551. Oct. 24. Prorogation—Commission for further proroguing Parliament to 21 Nov. *Parchment Collection*. L. J., XVI. 587. *In extenso*. 1700–1701.  
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1552. Nov. 21. Prorogation—Commission for further proroguing Parliament to 16 Jan. *Parchment Collection*. L. J., XVI. 588. *In extenso*.

1553. Feb. 6. Prorogation.—Writ, dated 5 Feb., proroguing Parliament from this day to Feb. 10. *Parchment Collection*. L. J., XVI. 590. *In extenso*.

1554. Feb. 6. Garter's Roll.—A Roll of the Nobility of England, delivered to the Clerk of the Parliaments. *Signed* Tho. St. George, Garter. It contains 167 names. *Parchment Collection*.

1555. Feb. 10. Test Roll (30 Car. II. Stat. 2, c. 1). Roll for the Parliament begun this day containing the signatures (144) of Lords to the Declaration in the Act of 1678 for the more effectual preserving the King's Person and Government by disabling Papists from sitting in either House of Parliament. *Parchment Collection*.

1556. Feb. 10. Writs of Summons.—Writs of Summons, dated 26 Dec. 1700, to the following Peers, who took the Oaths this day. L. J., XVI. 591–2.

- (1.) Charles, D. Bolton.
- (2.) George, D. Northumberland.
- (3.) John, M. Normanby.
- (4.) John, E. Bridgwater.
- (5.) Basil, E. Denbigh.
- (6.) Henry, E. Grantham.
- (7.) Robert, E. Leicester.
- (8.) Robert, E. Lindsey, Lord Great Chamberlain of England.
- (9.) Daniel, E. Nottingham.
- (10.) Edward, E. Orford.
- \* (11.) Other, E. Plymouth.
- (12.) Thomas, E. Thanet.
- (13.) Henry, V. Longueville.
- (14.) Nathaniel, V. Say and Scale.
- (15.) John [Williams], Bishop of Chichester.
- (16.) Nathaniel [Lord Crewe], Bishop of Durham.
- (17.) Simon [Patrick], Bishop of Ely.
- (18.) Richard [Cumberland], Bishop of Peterborough.
- (19.) William [Lloyd], Bishop of Worcester.
- (20.) William, L. Byron.
- (21.) Nathaniel, L. Crewe.
- (22.) William, L. Dartmouth.
- (23.) Francis, L. Guilford.
- (24.) Charles, L. Granville.
- † (25.) John, L. Haversham.
- (26.) Robert, L. Lucas.
- (27.) John, L. Paulett.
- (28.) John, L. Vaughan.
- (29.) Richard, L. Willoughby de Broke.
- (30.) Robert, L. Willoughby de Eresby.

\* Appears in MS. Min. as sitting this day, but the name is not in L. J., nor does it appear by the Test Roll that the Earl ever took the Oaths. His name appears in MS. Min. on 16 May 1700 among those of Lords absent on a Call of the House. No entry in L. J.

† Signs the Test Roll this day, but is not entered in L. J.



1700-1701. 1557. Feb. 11. Writs of Summons.—Writs of Summons, dated  
 — 26 Dec. 1700, to the following Lords, who took the Oaths this day.  
 No: 1556. L. J., XVI. 593.

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| (1.) Mainhardt, D. Schonburg.          | *(5.) Charles, L. Halifax. |
| (2.) Edward, E. Jersey.                | (6.) John, L. Jeffreys.    |
| (3.) Richard, E. Rivers.               | (7.) John, L. Somers.      |
| (4.) William, L. Berkeley de Stratton. |                            |

1558. Feb. 11. King's Speech.—King's Speech to both Houses this day. L. J., XVI. 594. *In extenso*. [The Speech was read this day. *Moved* that the House take it presently into consideration. *Ordered* that the consideration of his Majesty's Speech shall be taken up to-morrow, and that all the Lords be summoned to attend and acquainted what the business is. MS. Min. On 12 Feb., the above order being read, *Proposed* to thank the King by Address for the care he has taken for the succession to be continued in a Protestant line, and to assure him that you will stand by him in all you can in desiring him to enter into such alliances that may attain the ends desired by his Speech, the interest and peace of England, and the security of the Protestant religion, and the peace of all Europe. Then a Select Committee appointed to draw the Address. MS. Min. L. J., XVI. 595. On 13 Feb., in the Select Committee, E. Peterborough in the Chair, the Order is read. *On Question*: Whether the preamble in the Draft of an Address now read shall stand? *Resolved* in the Negative. Contents 4, Not Contents 10. *On Question*: Whether the last paragraph shall stand? *Resolved* in the affirmative. Contents 9, Not Contents 3. Then an Address was agreed and read, and ordered to be reported. Com. Book 13 Feb. The Address was reported the same day. The first paragraph was amended, and the other three paragraphs were agreed to, the last after debate, *On Question*. Then the Address was re-committed, to be altered in some parts thereof. MS. Min. L. J., XVI. 596. Some amendments and alterations were made in Select Committee the same day, and the Address was ordered to be reported Com. Book 13 Feb. The Address was reported the same day and agreed to. *Ordered* that it be sent to the Commons for their concurrence by two of the Judges, who were ordered to attend on the following day at 11 o'clock. MS. Min. On 14 Feb. the Address was sent to the Commons, who returned it on the 17th, and informed the House that they had agreed upon a Vote to be presented to the King. L. J., XVI. 597, 600. Thereupon, the same Committee which had drawn the former Address was appointed to draw up an Address to his Majesty upon the debate this day.† Then the House adjourned during pleasure to go to the Committee. MS. Min. The same day, in the Select Committee the Address formerly agreed by the House was read, and other paragraphs relating to the letter† this day communicated

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\* Took his seat, L.J., XVI. 593. *In extenso*.

† The letter to the Earl of Perth is set out *in extenso* in L. J., XVI. 598-600. On 17 Feb. the letter was read. House moved to print the letter. *Moved* to disarm Papists and disaffected persons. *Moved* to make an Address to the King to fit out a fleet. *Moved* to appoint a day to consider in whose hands we are. The letter was read again. *Moved* to thank the King for communicating this letter, and that he will give order for disarming disaffected persons, and desiring him to fit out a fleet with all speed, and assure his Majesty that this House will assist him in all things they can do. *Ordered* that the letter be printed. Lords' Committees appointed to draw an Address to be presented to his Majesty upon the debate. MS. Min. 17 Feb.

from the King were added. Com. Book 17 March. The Address was reported the same day and agreed to, after debate. L. J., XVI. 600. The King appointed 18 Feb. for receiving the Address, and the House agreed to meet at Kensington for that purpose. MS. Min. 18 Feb. For the two Addresses see L. J., XVI. 596, 600. 1700-1701. — No. 1558.

1559. Feb. 12. Writs of Summons.—Writs of Summons, dated 26 Dec. 1700, to the following Lords, who took the Oaths this day. L. J., XVI. 595.

- (1.) George, D. Cumberland.
- (2.) John, L. De la Warr.
- (3.) Ralph, L. Eure.

1560. Feb. 12. Yeoman Usher of the Black Rod.—\*Memorandum concerning the Yeoman Usher's place, as follows:—The 7th Nov. 1690. Be it remembered that the day and year abovesaid Mr. John Wynyard died, and was buried at St. Margaret's, Westminster, the 13th Nov., and upon the 15th of the same, at the request of Sir Thomas Duppa, Gentleman Usher of the Black Rod, in consideration of a sum of money then paid him by Mr. Benjamin Coolinge, to the said Sir Thomas Duppa, upon the 15th of the said month prevailed with the Right Hon. the Earl of Rochester, who acquainted the House of Lords, then sitting, that the said Mr. Wynyard being dead and buried, it was the right of the Black Rod to put in a Yeoman Usher under him in the said place, which in due respect to their Lordships he desired they might be acquainted with. Whereupon the Earl of Macclesfield made some question whether the Lord Great Chamberlain had no claim to it. Upon which the Black Rod's Patent was called for, and read by the Clerk at the Table, which gave the Lords full satisfaction, and the Lord Halifax and Lord Rochester declared then that their Lordships had nothing to do in it. Thereupon the Black Rod called in the said Mr. Benjamin Coolinge into the House, and put him into waiting in the said place of Yeoman Usher. *Endorsed* 12 Feb. 1700. Sir David Mitchell concerning Yeoman Usher. [On 11 Feb. the House was informed that the Yeoman Usher (Mr. Coolinge) was dead, and the House wanted an officer; that the Gentleman Usher had appointed one, and that Mr. Coolinge's son had a Patent for that office. *Ordered* that it be referred to the Committee for Privileges to report on the right and claim of both parties. L. J., XVI. 594. MS. Min. On 12 Feb., at the Committee for Privileges, the Order of Reference is read. *Sir David Mitchell*, at the Bar, says what he has done was pursuant to Sir Thomas Duppa's Journal, which he delivered in and it was read, as also a Minute out of the foul Journal of this House. 15 Nov. 1690 (Annex (a)). *Mr. Coolinge*, at the Bar, offers a paper (Annex (b)), and desires it may be read, which was read, being a state [ment] of his case, and also a certificate of Mr. Wynyard's being sworn King's servant. *Mr. Coolinge* delivers his Patent. The Patent was read and bears date 18 May 30 Car. 2. *Sir David Mitchell* desires that Sir John Stanley and the Secretary's books may be sent for, for he tells him Mr. Wynyard was never sworn. *Mr. Coolinge* desires he may attend by virtue of the Great Seal until a better title to the office be made out. They withdraw. After debate the *L. Chamberlain* undertook that Sir Jo. Stanley should attend at the next meeting with the above-mentioned books.—On 17 Feb. my Lord Chamberlain acquaints

\* This is probably the entry in Sir Thomas Duppa's journal which Sir David Mitchell produced before the Committee for Privileges this day. Priv. Book 12 Feb.



- 1700-1701. the Committee that Sir John Stanley attends at the door with the L. Chamberlain's books. *Sir John Stanley*, being called in, shows out  
 . No. 1560. of the said books that Jan. 20, 1665, Benjamin Coolinge was sworn joint Yeoman Usher with Mr. Wynyard, who was not sworn then, nor till 14 Nov. 1685. He says it does not appear by any former book in the L. Chamberlain's office that the Yeoman Usher's place is an office upon the establishment of the Household. Being asked what salary is annexed to that office, he says he knows of none but that mentioned in Mr. Coolinge's Patent. Then the Report was agreed to. L. J., XVI. 598. *In extenso*. Priv. Book Feb. 12, 17. On 16 May 1701 Petitions were presented by Mitchell and Coolinge (Annexes (d), (e)), and it was ordered that one Counsel of a side should be heard upon them. L. J., XVI. 687. On 27 May *Counsel* were heard. *Mr. Phipps* heard for Sir David Mitchell: We have a gentleman that will satisfy your Lordships the case was disposed of by the Black Rod. *John Maxwell* (sworn) was heard. *Sir Tho. Powys* heard for Mr. Coolinge: We say this [appointment] is not in Sir David Mitchell. Mr. Coolinge has been desirous this might be determined by law. He has the same Patent his father had. Sir David Mitchell affirms he is to put in the Yeoman Usher. Is he not then to prove his right? We are ready to try as he sets it out in his Petition. If we are rid of his Petition, we are well enough, we think. They read the Patent for Coolinge to be Yeoman Usher. We desire to be admitted. *Mr Phipps*: We desire one may be admitted we shall name. They desire to waive him. They offer to read an entry in their own book. We found this book in the office. *Davis* (sworn): I made this entry in the book. Sir Thomas Duppa ordered me to enter this accordingly. *Sir Tho. Powys* objects against reading this. Petitions then dismissed. MS. Min. L. J., XVI. 709. On 1 Jan. 1701-2 the House was acquainted that after a trial at law, Sir David Mitchell had gained a verdict, and had appointed Mr. John Phillips Yeoman Usher, who was admitted. L. J., XVII. 8. MS. Min.]

Annexed:—

(a) 12 Feb. Entry in MS. Min. as follows:—Die Sabbati 15<sup>o</sup> Novembris 1690. House acquainted that Mr. Whynyard [Wynyard], the Yeoman Usher, is dead, and that Sir Thomas Duppa thought it his duty to acquaint the House with it, and that he has appointed Mr. Benjamin Coolinge to attend. Sir Tho. Duppa's Patent was read. \**Ordered*. *Endersed* 12 Feb. 1700, Sir David Mitchell, relating to Yeoman Usher. Produced this day before the Committee for Privileges by David Mitchell. Priv. Book.

12 Feb. Mr. Coolinge's paper touching the Yeoman Usher's place, as follows:—That Mr. Wynyard, late Yeoman Usher of the House of Peers, was sworn the King's servant by the then Lord Chamberlain, which was the only title he held by, without any authority from the Black Rod, and all the difference between Mr. Wynyard and my father in their several tenures of the said place was this, that Mr. Wynyard was the King's servant by warrant, and my father by the Great Seal of England, which is only a greater estate. That my father enjoying the said place by the said Patent must needs, to all constructions, be a confirmation of it, and a bar in law to all pretenders whatsoever, and if reason and constitution corroborate

\* This entry is crossed out in MS. Min.

my right, I hope your Lordships will permit nothing else to prejudice it. My father's Patent was allowed to be a good grant of his place by Sir Thomas Duppa [and] Sir Fleetwood Shephard, and was never attempted to be avoided by Sir David Mitchell himself, while he lived, and the same Patent being a good grant to my father, I humbly hope the same is as sufficient for me. And if this officer could be proved to be the Black Rod's officer and not the King's servant attending the House, yet why may not the King by the same authority that forms him, make the other by the same power, distinct and independent, as for example the groom porter's place, clerk of the Robes and of the Wardrobes, apothecary to the Household, &c., in my Lord Chamberlain's disposal, but sometimes granted by the King by Patent, and upon all trials at law held good. Sir David Mitchell alleges my father purchased his place of Sir Thomas Duppa, though nothing of that sort will appear more than that he might make him a small present as a superior officer. I have proved that Mr. Wynyard and my father were both of them the King's servants, and that they held their respective places from the King, and I, having the same title, do humbly hope your Lordships will not by any means deprive me of the honour of being both the King's and your Lordships' servant, and admit me accordingly, and report the same to the House. *Endorsed* Mr. Coolinge's paper touching the Yeoman Usher's place. Produced this day before the Committee for Privileges by Mr. Coolinge. Priv. Book.

1700-1701.

No. 1560.

(c) 12 Feb. Slip as follows appended to preceding:—John Wynyard sworn Yeoman Usher of the House of Peers the 18th of May 1685. From the Record in the Lord Arlington's time, then Lord Chamberlain. 1685 No. 14. *Signed* Ri. Newberry.

(d) 16 May 1701. Petition of Sir David Mitchell, Knt., Gentleman Usher of the Black Rod. Time out of mind the places of Yeoman Usher and doorkeepers have been in the disposal of the Black Rod, who is to take care of their due attendance, and is answerable to the House for their neglects. Benjamin Coolinge, late Yeoman Usher, being lately dead, Richard Coolinge, his son, by colour of some Patent of Charles II., pretends a right to the said place, and the House declared he might, if he thought fit, bring his action at law against Petitioner for the place. Petitioner is ready to go to trial on a proper issue, but Coolinge has tendered an issue whereon the right of the Patent will not come in question, but he would turn the whole proof on Petitioner, contrary to the rule which requires Plaintiffs to make out their demands. Prays that he, as his predecessors have ever done, may appoint to the place. *Signed* D. Mitchell. *Endorsed* as read this day. L. J., XVI. 687.

(e) 16 May 1701. Petition of Richard Coleing [Coolinge], son of Benjamin Coleing [Coolinge], late Yeoman Usher. Petitioner's father held the office under a Patent of 30 Car. II., whereby it was also granted to Petitioner on the death or surrender of his father. On his father's death, Sir David Mitchell claimed that the place was in his disposal, and Petitioner has offered to try an issue at law on that point, and also to refer it to C. Justice Holt to settle an issue; but Sir David would not agree to any issue but such as would leave the matter perfectly at large, and expose Petitioner to all hazards, leaving Sir David opportunity to take



1700-1701. advantage of all slips and niceties that may happen. Prays to be  
 — admitted into the office. *Signed* Rich. Colinge. *Endorsed* as  
 No. 1560. read this day. L. J., XVI. 687.

1561. Feb. 13. Writ of Summons (Bishop of Bangor).—Writ of Summons, dated 26 Dec. 1700, to Humphry [Humphreys] Bishop of Bangor. [Took the Oaths this day. L. J., XVI. 596.]

1562. Feb. 13. *Farrell v. White*.—Petition and Appeal of James Farrell by his *prochein amy*, George Lysons. Upon the marriage of Petitioner's parents, Fergus Farrell and Anne Lysons, Sir Connell Farrell, father of Fergus, settled 350*l.* a year upon them, charged upon his estate in Ireland. Anne's portion of 2,500*l.* was to be invested in land, and Fergus lent part of it upon mortgages of land in Westmeath, called Bally Corky, belonging to one Nangle. After the death of Anne, Fergus married again. He subsequently died intestate. Previous to this Smith, one of the Respondents, who had a subsequent mortgage on the land at Bally Corky obtained a Decree in the Court of Chancery in Ireland, to be let in to redeem the mortgage. Smith was allowed to redeem the mortgage which amounted in all to about 1,778*l.*, on payment of that sum to the widow. He paid this money to the widow, who in the meantime had married the Respondent John White. Appellant, as his mother's heir, exhibited his Bill in the Court of Chancery in Ireland to have the benefit of this mortgage and other charges on the estate which had been paid off, but the Lord Chancellor decreed that the debts of Fergus Farrell must first be paid and then the costs of Smith's suit, and that the remainder should be divided into two parts, one to go to Appellant and the other to be divided between the Whites' child and Fergus Farrell's child by his second wife. Appellant's share will be little or nothing. Appeals against the Decree. *Signed* George Lysons. *Countersigned* Wm. Dobyns, Hen. Collet. L. J., XVI. 596. [At the Hearing on 12 May *Sir Thomas Powys* and *Mr. Dobyns* appeared for the Appellant, and *Mr. Cowper* and *Mr. Pooley* for the Respondents. *On Question*: Whether the Decree be reversed? *Resolved* in the negative. Contents 10: Not Contents 10. *Ordered* that the Appeal be dismissed and the Decree affirmed. MS. Min. L. J., XVI. 678.]

Annexed:—

- (a) 26 March 1701. Answer of John and Katherine White. Farrell lent money to Nangle on the security of his lands, and on his death his widow became entitled to it. The suit by Smith against Farrell for redemption of the mortgage was revived against the widow. The Court dismissed Appellant's Bill, but on a rehearing made the Decree complained of, which is rather to the prejudice of Respondents than otherwise. *Signed* by Respondents. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.
- (b) 6 May. Petition of Appellant that the Hearing may be put off and that so much of his Appeal as prays relief against the two Decrees touching the mortgage money and mortgage deeds, may be dismissed without prejudice. Petitioner was not a party to the Decrees. *Signed* George Lysons. *Endorsed* as read this day and rejected. MS. Min. L. J., XVI. 668.

1563. Feb 14. *Morris v. Harrison*.—Petition and Appeal of Charles Morris and Margaret Morris. Robert Morris, Godfrey Harrison,

Richard Hacket and Matthias Datchellor in 1671 entered into partnership for the management of a glass-house, each putting into it 1,000*l*. It was agreed that, on the death of a partner, his representatives might withdraw a fourth part of the joint stock, or, if they pleased, continue to share in the business. Hacket assigned his share to John Hawkes and Sir Richard Hawkins, and afterwards Harrison and Morris both died. Eventually, owing to great losses in the business, the partners were called upon to pay large sums to the creditors. Thereupon Godfrey Harrison's son brought his Bill in Chancery against the other partners representing that money was due to his father for managing the business at a salary of 100*l*. a year, and that the widow had given notice, within a month of her husband's death, that she did not intend to continue the partnership and had demanded an account. These suggestions were denied by the Appellant Margaret Morris, the widow and administratrix of Robert Morris. Appellants brought their Bill for an account of the partnership, whereupon the Master of the Rolls declared that the widow had given notice and ought not to be charged with anything since the account then delivered, which account he decreed to stand, with liberty to representatives of the other partners to falsify it or surcharge the widow; but, as to Appellant Margaret, he decided that she continued the partnership. On appeal from this decision the late Lord Chancellor ordered the Decree and account to stand, and the Master, to whom the account was referred, certified that both sides had falsified it, thereupon the Appellants petitioned that the Causes might stand open to be reheard, but the Lord Chancellor confirmed the Decree. Respondents ought to have been ordered to come into the general account and pay their proportion of the debts of the partnership. Appeal against the Decree. *Signed* by Appellants. *Countersigned* Jo. Howles, Wm. Dobyns. L. J., XVI. 597. [At the Hearing on 26 March the *Solicitor-General* and *Sir Thomas Powys* were heard for the Appellants and *Mr. Serjt. Selby* and *Mr. Dodd* for the Respondents. The Appeal was dismissed. MS. Min. L. J., XVI. 635.]

1700-1701.

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No. 1563.

Annexed :—

- (a) 10 March. Answer of Mary and John Harrison. They admit the partnership as stated. When it was found necessary to put in more money, 3,900*l*. was advanced by the partners, but the profits did not answer their expectations, and in order to work at the cheapest rate, they appointed Godfrey Harrison as manager at 100*l*. a year. He managed the business and advanced money from time to time to carry it on, until the failure of his health obliged him to give it up. At this time there was due to him 16*l*. 11*s*. 11*d*. Mary Harrison gave notice to Morris that she did not wish to continue the partnership, and asked for an account of the stock, &c. The Master of the Rolls decreed that she had given notice, but that it did not appear that Margaret Morris had. The case was reheard and the matter referred to a Master as stated, but without any directions varying from the former Decree. *Signed* by Respondents. *Countersigned* Wm. Cowper, T. Vernon. *Endorsed* as brought in this day. MS. Min.

1564. Feb. 14. Countess of Anglesey v. E. Anglesey.—Petition of Katherine, Countess of Anglesey. Petitioner has been grievously and after a most barbarous and inhuman manner treated, abused and beaten by her husband James, Earl of Anglesey, without any provocation by her given, insomuch that she cannot cohabit with him without danger of her life. Affidavits being given by herself and others before the



- 1700-1701. Lord Chief Justice, she prays that this House would oblige her said husband to waive his Privilege, that Petitioner may be at liberty to institute a Cause of Separation against him in the Ecclesiastical Courts for cruelties. *Signed* Katherine Anglesey. Read this day and dismissed. MS. Min. No entry in L. J. [On 13 Feb. *E. Anglesey* acquainted the House that yesterday six persons in disguise rushed in at his back doors, and took his wife and carried her away. He went to the L. C. Justice Holt, and he told me he was glad I came, or he should have sent for her [me], and showed me what affidavits sworn against me as to my behaviour to my wife. My Lord said that I must give security, that the peace was sworn against me. I gave my Lord Chief Justice 8,000*l.* security, and I am a prisoner now. I beg of your Lordships that I may not be a prisoner, but that I may be free about my business. *Moved* to send for L. C. Justice to attend to-morrow. *Ordered* that the Lord Chief Justice of his Majesty's Court of King's Bench do attend this House to-morrow at eleven of the clock in the forenoon. On 14 Feb. *E. Anglesey* says he gave the House an account of taking away his wife, and of my going to my Lord Chief Justice, and that he bound me over to the peace, upon three affidavits. I do not complain of my Lord Chief Justice. I had a warrant to search for my wife. I desire a warrant to search for my wife from this House. I desire, if my wife be found, and will persist in what she has sworn, I am contented to stand bound—that I may be [de]livered from my shackles [which] I now stand bound in, that I may go abroad for my health. My Lord Chief Justice sent his tipstaff to the witnesses to attend him. I do not complain of my Lord Chief Justice. I have his warrant. I hope to have your assistance. *L. C. Justice* was heard: My Lord has acquitted me of anything but circumstances in which he says I have miscarried. His Lordship says they are hearsays; but such they seem to be as they are fit for consideration. I sent to the woman by a verbal message. My Lady made her complaint. I read it to her. She showed me her arms, which were marked. I was going to write a letter to my Lord as he came in. I have the affidavits or informations on which I proceeded. *E. Anglesey* desires that the House will give an Order for searching for his wife, which according to law I ought to demand. House moved to consider my Lord Anglesey's desire of an Order. House moved to summon those persons in whose custody the Lady Anglesey last was. The House was told the Lady Dorchester was at the door. *Proposed*, if she be called in, she be asked what she has done with the Lady Anglesey. *Ordered* that the Lady Dorchester be called in, and a chair set for her, and asked by L. Keeper what she has done with the Lady Anglesey. The chair was set, and the *Lady Dorchester* was called in, and asked if she knew where the Lady Anglesey was. She says she knows not. I left my daughter in the room where my Lord Chief Justice took her depositions. I did not bring her to the L. C. Justice. Lady Dorchester withdrew. After some time, Lady Dorchester was called in again, and told by L. Keeper she might speak. She desires the affidavits before L. C. Justice be read. (1) Information of Sarah Man read. (2) Elizabeth Cotton's information read. (3) Katherine, Countess of Anglesey's information read. *Lady Dorchester* says there is another she signed and is ready to be sworn. I have nothing in this matter, but the fear of my daughter's life and my own. I pay [f]or it, and I am not allowed anything for it. My daughter is bruised. I am credibly assured of it. The Lady Dorchester withdrew to swear to her information before the L. C. Justice. After some time, the Lady Dorchester came in again, and L. C. Justice delivers her information, as sworn to before him, which was read. The *Lady Dorchester* was heard. She desires her

Petition may be read, and desires the Lady Anglesey may proceed against my Lord for maintenance; and withdrew. *E. Anglesey* says that there is 400 falsities in the affidavits. Then the above Petition of the Countess was read. *Ordered* that the Petition be dismissed. The House gave directions that nothing be entered in the Books of this matter relative to the E. and Countess of Anglesey. On 24 Feb. some affidavits, desired at the request of E. Anglesey, were read, viz., those of (1) Jane Greener, (2) Ruth Booth, (3) Phillippa Wingate, (4) Anne Wikey, (5) Joyce Rivall, (6) Rebecca Cooper, (7) Patrick Grey, (8) Eleanor Levens. MS. Min. No entry in L.J. *See* also No. 1591.]

1700-1701.

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No. 1564.

1565. Feb. 17. *Trelawney v. Carew*.—Petition of Edward Trelawney, clerk, and Elizabeth, his wife, for and on behalf of Elizabeth Trelawney their daughter, an infant, and of Daniel Sagittary, clerk, and Anne, his wife, for and on behalf of John and Anne Sagittary, their son and daughter. Thomas Darell was possessed of a personal estate of 10,000*l.* and upwards. By his Will he left the residue, after payment of legacies amounting to 4,293*l.* and debts, &c., to be equally divided between his three daughters and their children and grandchildren who should be living within two years after his death. He died in 1697, and Appellants and others, on behalf of their children, exhibited a Bill in Chancery against the executors to get the estate distributed according to the Will. Respondents in their Answer stated that two of the great grandchildren had been born since the testator's death and asked for the direction of the Court as to whether these children were entitled to a share of the residue. The Master of the Rolls decreed that they were so entitled. Lady Carew, one of the daughters of Thomas Darell, appealed against this decision, and the Lord Keeper decreed that the children were not entitled to a share. Appeal from the last mentioned Decree. *Signed* by Appellants. *Countersigned* Tho. Carthew, Rich. Buckby. L. J., XVI. 600. [At the Hearing on 28 March 1701, *Sir Thomas Powys* and *Sir Bartholomew Shore* appeared for the Appellants and *Mr. Dobyns* and *Mr. Pooley* for the Respondents. The Appeal was dismissed and the Decree affirmed. MS. Min. L. J., XVI. 636.]

Annexed:—

- (a) 17 March. Answer of Sir John Molesworth, John Arscott, Esq., and Frances, his wife. Petitioners submit to the judgment of the House the question whether the infants referred to are entitled to share in the residue. John Arscott and his wife hope that her share of the estate under the Will may be decreed to her. *Signed* by Respondents. *Countersigned* Nath. Courtney. *Endorsed* as brought in this day. MS. Min.
- (b) 17 March. Answer of Dame Gratiana Carew and Sir Henry Darell Carew, Thomas Carew, Charles Carew and Frances Carew, infants, by the said Dame Gratiana Carew, their mother and guardian. The Decree is just and reasonable. Hope that the Petition will be dismissed. *Signed* Gratiana Carew. *Countersigned* Law. Carter. *Endorsed* as brought in this day. MS. Min.
- (c) 20 March. Petition of Appellants for a day for the hearing. L. J., XVI. 629.

1566. Feb. 17. *Ball v. Ridler*.—Petition and Appeal of John Ball, of London, factor. Petitioner's grandfather John Wood, and his son Joseph Wood, were partners as factors in Blackwell Hall, London.



1700-1701. Joseph by his extravagance involved his father in debt, to pay which he devised his lands at Stone and Walton, Staffordshire, worth 50*l*.  
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 No. 1566. a year but charged with 300*l*. mortgage to his father in fee. Joseph died in 1691. John Wood then tried to sell the lands, but was prevented by the high land taxes and scarcity of money. He died in 1693, owing Thomas Ridler and his executor Walter Ridler over 2,500*l*. His assets fell short of this sum by 900*l*. or 1,000*l*. He left the lands in question to his daughters Sarah and Mary Wood, who employed Petitioner, their father's late apprentice, to gather in the estate and pay Walter Ridler. Petitioner paid Ridler all but 729*l*. which the Woods directed should stand over till after the rest of the creditors had been paid out of the personal estate, as Ridler was their kinsman and able to wait, and they intended to pay him out of the sale of the lands. The Woods both died. Mary, who survived her sister, left the lands to Petitioner, with the tacit intention, as he believed, that he should sell them and pay Ridler. He therefore kept separate books of the estate for Ridler's benefit. He then became Ridler's factor, and became indebted to him, but the clipped money being then called in to be recoined, he could not pay him except in bank notes, which then ran at 15 or 20 per cent. discount; so he turned his notes into bank bills bearing interest, which he intended for Ridler, to compensate him for the delay. In Jan. 1696 he sent Ridler his account, and told him he had 1,100*l*. bank notes for him, which was less than he owed him on his own account. After Walter Ridler's death in 1697, Petitioner sent Nathaniel Ridler, his executor, an account, including John Wood's debt, showing a balance of over 2,600*l*. against himself; and he included among his assets John Wood's lands, out of which he intended to pay Ridler, so that he never complained of want of assets. Subsequently, however, Joseph Wood, grandson and heir at law of John Wood, brought a Bill in the Exchequer for the lands. Owing to a defect in the Will of John Wood, which was drawn by himself, his daughters' title to the lands was reduced to a life interest only. The lands were thus evicted from Petitioner, who then offered to pay Ridler all his own debt, and so much of John Wood's as could be recovered from the estates of John Wood and his daughters. Nathaniel Ridler refused this offer and brought a Bill in Chancery against Petitioner for the whole debt, on the ground that in his stated accounts he had acknowledged he had sufficient assets. He obtained a Decree against him, with interest and costs, from the Master of the Rolls on 19 April 1700. On Appeal, this Decree was confirmed by the Lord Keeper on 6 Nov. 1700. Appeals against these Decrees, as he had not misapplied any of John Wood's estate, in which cases only executors are chargeable out of their own proper estates, and his accounts, under a mistake, could not charge him with assets at Common Law, much less in Equity; and he prays for stay of proceedings in the meantime. *Signed* by the Petitioner. *Counter-signed* Jo. Hawles, Sam. Harris. L. J., XVI. 601. [At the Hearing on 11 March *Mr. Solicitor* opened for Appellant, and *Mr. Cowper* for the same: The question is whether an executor shall pay a great sum of money out of his own estate to pay another's debts, which he intended to do if there had proved assets sufficient to satisfy this and the other debts. He gave his estate to his executors rather than the heir, with intent that his debts should be paid. *Mr. Dobyns* heard for the Respondents: *Mr. Ball* acted on his own account, and we being a relation, we must lose our debt, or they will pay us with this Appeal. 'This gentleman has submitted [so much] to this Decree as to write a letter that he won'd pay us. *Mr. Dodd*, on the same side, was heard to

the same effect. The Appeal was dismissed and the Decree affirmed. 1700-1701.  
MS. Min. L. J., XVI. 618.]

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No. 1566.

Annexed:—

(a) 3 March. Answer of Nathaniel Ridler, Esq. The Decrees are just, and the Appeal should be dismissed with costs. *Signed* Nathaniel Ridler. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

(b) 4 March. Petition of same for an early day for the Hearing, as he has put in his Answer, and the Vacation is approaching and his Counsel and agents will be going the Circuits. The Appeal was brought merely for delay. *Unsigned*. *Endorsed* as read this day. L. J., XVI. 613.

1567. Feb. 18. Writ of Summons (E. Shaftesbury).—Writ of Summons to Anthony, E. Shaftesbury. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 601.]

1568. Feb. 18. Disbrowe v. Kerin.—Petition and Appeal of Nathaniel Disbrowe, Esq. Daniel Kerin, deceased, was bound as surety for Appellant in two bonds, one to Gideon Delaune, Esq., for 100*l.*, and the other to Thomas Tilson, Esq., for 150*l.* To secure Kerin against this liability, Petitioner, in 1682, being about to leave Ireland for England, where he lives, made him a lease of the lands of Crumlin, Gortnesetkane, Balenebrogne and a moiety of Burrel, in the barony of Ikerrin, county Tipperary, for 17 years, for 5*s.* a year, though worth 100*l.* a year, the consideration being stated to be the payment of 250*l.*, though no money was paid, and the lease was to be void on Appellant indemnifying him from the debts. Kerin and those claiming under him enjoyed the lease till it expired in 1699. Appellant however had paid the debts, with great costs and interest, in 1698. He consequently exhibited his Bill in Chancery in Ireland against Kerin's widow Honora Kerin, and John Kerin and Elizabeth Freeman and Samuel Freeman, her husband, Daniel Kerin's children, some being his executors, for an account of the profits of the leased premises, and delivery up of the counter bond. They answered denying that Daniel had received any of the rents, and asserting that they had spent 40*l.* over Delaune's debt. Appellant proved that Kerin sold the lease to Mrs. Charity Disbrowe for 150*l.*, and claimed that sum; but on 21 June 1700 the L. Chancellor in Ireland dismissed his Bill, on the ground that the sale was not mentioned in the Bill or Answer. Appeals from that dismission, and prays the Kerins and Freemans may be ordered to answer. *Signed* by Petitioner. *Countersigned* Henry Selby, Wm. Dobyns. L. J., XVI. 601. [At the Hearing on 27 May 1701, *Sir Thomas Powys* and *Mr. Dobyns* were heard for Appellant and *Mr. Cowper* and *Mr. Phipps* for Respondents. The Decree was reversed. MS. Min. L. J., XVI. 708.]

Annexed:—

(a) 28 March 1701. Petition of Respondents for further time to answer. They live in such a remote part of Ireland that they were only served with the Order on 25 March, and cannot take out a copy of the Appeal in time to answer by 1 April. *Signed* Tho. Moore, by the Petitioners' authority. *Endorsed* as read this day. L. J., XVI. 635.

(b) 7 May. Joint and several Answer of Hon<sup>r</sup> Kerin, widow and surviving executrix of her late husband Daniel Kerin, John Kerin, Gent., Samuel Freeman, Esq., and Elizabeth Freeman



1700-1701.

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No. 1568.

his wife. There is nothing on the endorsement of the lease to show it was an indemnity to Daniel Kerin, who moreover never entered upon the premises. The 150*l.* debt to Tilson was paid by Kerin, not by Appellant, and is a set off against the 150*l.* claimed for the alleged assignment of the lease to Mrs. Disbrowe, who ought to have been made a party. The assignment should have been produced. The Cause was heard first on 13 June 1700 by John Hely, Esq., C. J. Common Pleas in Ireland and Sir Henry Ecklin, Knt., a Baron of the Exchequer, two of the Lords Commissioners. The Cause was adjourned for further hearing until 21 June 1700 when John Methuen, Esq., L. Chancellor of Ireland, issued a Decree dismissing Appellant's Bill. This Decree was just. Pray the Appeal may be dismissed with costs. *Signed* by the Respondents. *Counter-signed* William Cowper. *Endorsed* as brought in this day.

(c) 23 May 1701. Petition of Samuel Freeman, Esq., Capt. in Col. Seymour's Regiment.—Petitioner, one of the Respondents, has been ordered to Holland with Col. Seymour's Regiment. Prays for some shorter day for the Hearing than that appointed. *Signed* by Petitioner. *Endorsed* as read this day. L. J., XVI. 700.

1569. Feb. 19. Writ of Summons (V. Hereford).—Writ of Summons to Price, V. Hereford. *Dated* 26 Dec. 1700. [Sat first in Parliament this day after the death of his cousin. L. J., XVI. 602.]

1570. Feb. 20. Brookfield and Newport Markets Bill.—Amended\* Draft of an Act for confirming the grants of Brookfield Market [and Fair] and Newport Market, in the county of Middlesex. Whereas our late sovereign lord King Charles, the second, by his Letters Patent under the Great Seal of England bearing date at Westminster the one and twentieth day of November in the fifteenth year of his reign, was graciously pleased for himself, his heirs and successors, to grant unto John Harvey, Esq., and John Coell, Esq., their heirs and assigns, (amongst other things) two markets, one of them to be holden on Monday and the other on Wednesday in every week, to be held in a certain highway called the Haymarket Street, in the parish of St. Martin's-in-the-Fields, in the county of Middlesex, for the buying and selling of cattle and sheep. And whereas our late sovereign lord King James, the second, (the said John Harvey being dead), by his Letters Patent under the Great Seal of England bearing date at Westminster the five and twentieth day of September in the second year of his reign, did for himself, his heirs and successors, give and grant unto the said John Coell (then Sir John Coell, Knt.) that he, his heirs and assigns, might hold the said two markets by the aforesaid Letters Patent granted in a certain place called Great Brookfield, in the parish of St. Martin's aforesaid, during the days aforesaid in every week for ever. And whereas our said late sovereign lord King James, the second, by other his Letters Patent under the Great Seal of England bearing date at Westminster the twentieth day of July which was in the fourth year of his reign, did for himself, his heirs and successors, grant unto the said Sir John Coell, that he, his heirs and assigns, in lieu of the aforesaid markets, so granted to be held upon Mondays and Wednesdays, as

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\* The words and clause within square brackets were omitted in Select Committee on 2 April, pursuant to Instruction on Commitment. L. J., XVI. 612. Com. Book 2 April.

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On 26 March, before the Select Committee, the above Petitions were read, as also a copy of the first grant mentioned in the Bill (proved by Mr. William Gilbert) and the several Letters Patent; and after the title and preamble had been postponed, the enacting clause was read, and Counsel were called in. *Mr. Common Serjeant* says, as to the last of the two grants, viz. that to Bland for Newport Market: We shall not at present oppose it. The city of London have a grant confirmed by Parliament for a fair for live cattle precedent to the several grants in the Bill, whereby all subsequent grants are made invalid for sale of live cattle within seven miles of London. We have a *scire facias* depending for trial of the right. *Mr. Phipps*, for the City: No man's right is ever taken away by a private Act of Parliament without an equivalent. The other side must own we have a right, and it is hard our right must be taken away for the conveniency of new buildings. Smithfield is as well able to supply them as ever. If this Bill pass and Smithfield Market be



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reduced, 100*l.* a year payable out of it to the poor of St. Puleher's and Bartholomew Hospital must likewise suffer, for all the buildings about Smithfield belong to it, which must fail in the rents if the market be reduced. *Mr. Dodd*, for the Bill: St. Puleher's are only farmers of the sheep pens, and they will not suffer. There is not room in Smithfield for the fourth part of the cattle that come to market. Cattle are sold at Islington and Whitechapel &c., because not room in Smithfield. *Mr. Brown*: The proper object of legislative jurisdiction is public convenience. They are pressing us by *scire facias*, and law may be against us. We agree their prior grant, and that confirmed by Parliament. *Thomas Porter* (sworn). He has often known Smithfield not able to contain the cattle; that when butchers have bought sheep, the salesmen would not let them have them unless they presently took them away that they might bring in others. He has known this twenty times in a year. There are abundance of goods sold at the ends of the town because they know Smithfield will not hold them. *John Allen* (sworn). Has known Smithfield near 50 years, and has seen graziers drive back their cattle to Islington for want of room for their oxen to stand. It will be better for Smithfield if this Bill pass. *Wm. Hancock* (sworn). He has bought 100 sheep at a time at Islington because, not being a freeman, he could not buy in Smithfield till after 8 o'clock that the bell had rung. Between Easter and Michaelmas cattle come in so thick that Smithfield will not hold half of them. He has not been in Smithfield these several years, nor at Islington these 30 years. *Peter Wych* (sworn). There is an allowance by the City for sale of cattle at Islington. If no goods were sold at the town's end, Smithfield would not hold them. *Noell Kellet* (sworn). He believes Brook[field] Market is of public good for Westminster and is very useful. Though there be a market here, yet there will be cattle enough for Smithfield. *Samuel Buxton* (sworn). [*Asked*] Whether the city of London ever gave him any direction to permit any to sell cattle at Islington or to take toll? *Says* he never had any such order. *Q.* Did you ever know toll paid there, or directions given? *A.* He believes toll has been paid there sometimes, but he cannot tell. He never had any direction from the City. He knows no great reason for his belief. If it were taken, it was by abuse, he believes. *John Salter* (sworn). He believes there are cattle enough for both the markets. If Mr. Wright's ground and the inns were shut up where goods are sold, it will not spoil the meat to drive from thence, because it may stand and cool. *Richard Steed* (sworn). Butchers come out of the City to buy at Hounslow, &c. He has known several thousands sold at Islington and Knightsbridge. *John Sutton* (sworn). For 25 years he has known abundance of cattle sold at all ends of the town. If there were a market at this end of the town there would be more cattle in Smithfield. *John Clark* (sworn). He paid 30*s.* for buying at Paddington. *Mr. Dobyns*, for St. Bartholomew Hospital: A good part of the revenue of the Hospital consists in the houses about Smithfield. This Bill will injure us by taking from us a legal advantage we have, by persons resorting to this market. *Thomas Wright*, on behalf of London. He has known Smithfield Market 30 years. He never saw Smithfield Market so crowded, but there was room, even without Rounds, for many more. He keeps an inn at Mile End, and 200 beasts come in a day to his house, and he has brought them to Smithfield, and when he could not sell them he has brought them back. He believes several cattle have been sold at his house to Salter and such persons as dare not come to Smithfield for fear of being arrested. He loses by oxen sold at his house. The market will hold many more than come there. Most of the butchers that buy

at my house are such as dare not come to Smithfield. *Ordered* that Samuel Buxton and Jones attend on Tuesday, as also Capt. Phillips. 1700-1701.  
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On 31 March E. Warwick presented a Petition against the Bill (Annex (e)), and was ordered to be heard by Counsel. L. J., XVI. 638.

On 1 April, at the Select Committee, the above Petition was read. *Mr. Common Serjeant*, for the City: We only oppose a market for live cattle. He calls his witnesses. *John Preston* (sworn). He has used Smithfield several years. He never observed but there was room for more than was there. He believes those that are sold at the town's end are sold to persons that dare not come thither. The place within the Rounds would hold 200 or 300 if there were occasion. He never knew any toll taken for cattle sold at the town's end. He never bought any there. He is a grazier. *Henry Frances* (sworn). He has known Smithfield 50 years. He never knew, but it would hold more cattle than was there by 200 or 300. Brookfield Market would, he believes, prejudice Smithfield. The Marshmen buy sheep at the town's end, because they would have them clean, which they would not be if they came thither. He is a grazier. *Edward Yardley* (sworn). He never saw Smithfield so full, but it would hold more than are there. For sheep, there is room for many hundreds more than come there. Believes that, if the cattle sold at town's end were brought to Smithfield, there would be room. He is a salesman. *Wm. Cuxon* (sworn). He never knew, in the 10 years he has used Smithfield, but it would hold more than come there. He is a salesman. He never paid toll at the end of town, but has paid for the pens. *George Newland* (sworn). He has lived near 50 years in Smithfield. He never observed in the highest market but there was room for more cattle. Brookfield Market would prejudice Smithfield Market, as also the houses there that pay rent to the Hospital. *Moses Bodicot* (sworn). Has known Smithfield 30 years. Never saw but there was room enough for more cattle than came there. He is a salesman. *Wm. Cooper* (sworn). Has known Smithfield 30 years. He never knew it so full of cattle, even at Bartholomew Fair, but it would hold more. He lives in Southwark, and finds no inconvenience in driving cattle thither, which is as far as Westminster. He is a butcher, and if he buys on a Friday, he kills that day. They offer an Order of Council or Star Chamber dated 17 May 1637 and an Order of Council April 4, 1683, proved by Richard Cooper, which, after opposition made by the Counsel for the Bill, were read, as also part of an Order 11 April 1695. *Counsel for the Bill*. *David Jones* (sworn). He has bought cattle several times within 5 or 6 years at Islington, and has paid toll and pens to the same person that takes toll in Smithfield. He says he never saw Smithfield so full, but more cattle might stand there. He has known 400 or 500 cattle stolen in a day or evening at Islington. *John Allen* (sworn). Last Thursday, he believes, more than 80 beasts were sold at Mr. Wright's yard, besides sheep. He saw it. Smithfield would have held many more last Friday. *Joseph White* (sworn). Brookfield would be a great conveniency to Westminster. He has often had goods to Smithfield, and the salesmen there have bid me go back and stop them because Smithfield was so full. *Wm. Elliot* (sworn). He has hundreds of sheep sold at Islington, Knightsbridge, but never saw toll paid. He believes that, if none had been sold there, Smithfield would not sometimes have held all. *Thomas Rice* (sworn). He has often seen cattle bought at the town's end. *Samuel Buxton* (sworn). He never gave order to Jones to pay toll for goods bought at Islington. They withdraw. *Ordered* that all persons concerned attend



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to-morrow, when the E. Warwick's Petition shall be considered and Counsel heard. On 2 April Mr. Sloane, Counsel for E. Warwick, not attending,\* *Mr. Richard Barrow*, his Lordship's solicitor, opens his case as to the loss it would be to him if the Bill pass. He desires Samuel Ford may be heard. *Samuel Ford* (sworn). He has received E. Warwick's rents in Cloth Fair 13 years, and he is sensible that if Smithfield Market should be removed or lessened it will be to his Lordship's prejudice 300*l.* or 400*l.* per annum. They withdraw. Then the enacting clause was read, and the omission of the words, and fair, was carried by 3 votes to 2. The other amendments noted above were then made. The Petitions of Lady Russell, L. Brooke, and Mr. Pitt (Annex (d)), were then read, but nothing done therein. The Bill was ordered to be reported with the said amendments. Com. Book April 1, 2.

On 7 April a Petition of E. Warwick to be heard by Counsel before the Third Reading (Annex (g)) was resolved in the affirmative. MS. Min. L. J., XVI. 644. On 15 April Counsel were accordingly heard on the above Petition. *Mr. Pooley* heard for E. Warwick. *Mr. Sloane*, for the same: This is an estate of E. Warwick, and will be much worse for the other market. *Mr. Dodd* admits my Lord Warwick has an estate in Smithfield. *Wm. Smith* (sworn). This market will lessen E. Warwick's rent, I believe, to 500*l.* per annum. There is room for 400 or 500 beasts more than come. The loss to E. Warwick will be 30 per cent. I have kept shop 40 years there. Counsel for the city of London heard. *Mr. Common Serjeant*: The Charter to the city was [g]ranted by the King in Parliament, and we take it as an Act of Parliament. *Mr. Phipps*: Our Charter was in Edw. III's time, and we hope it good. Counsel heard for Farmers of Market. *Mr. Dodd* heard for the Bill. *Mr. Browne* also heard. Counsel withdrew. *Proposed* that the Report be adjourned to a further time. After debate, the Third Reading was carried by 14 and one proxy to 12 and one proxy. Tellers: E. Stamford, E. Abingdon. *On Question*: Whether this Bill shall pass? *Resolved* in the negative. MS. Min. L. J., XVI. 653. For Engrossment see No. 1617].

Annexed:—

(a) 18 Feb. Petition of Sir Nathaniel Curzon, Bart. Letters Patent of 15 Car. II. granted to John Harvey and John Coell Esqs., two markets in Haymarket Street for buying and selling cattle and sheep, and Letters Patent of 2 Jac. II. gave Sir John Coell, Knt., leave to hold the said two markets in Great Brookfield, both in St. Martin's-in-the-Fields. These Letters Patent are now by good conveyance vested in Petitioner, who prays leave to bring in a Bill to confirm them. *Signed* Nath. Curzon. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 602.

(b) 6 March. Petition of the Lord Mayor, Aldermen and Common Council of the city of London. A Royal Charter of 1 Edw. III. granted to Petitioners' predecessors that thenceforth no market should be erected within 7 miles of the City. This Charter has been confirmed by several other Charters and Acts of Parliament. The Bill will bring to decay Petitioners' ancient market for selling of live cattle at Smithfield. Pray to be heard by Counsel against it. *Signed* Ashhurst. *Endorsed* as read this day. *Ordered* to be heard. L. J., XVI. 614. [See also Notes above.]

\* See L. J., XVI. 653, and No. 1627.

- (c) 17 March. Petition of butchers inhabiting within the city of Westminster and the liberties thereof and other places adjacent to the market called Brookfield Market, in the parish of St. Martin's-in-the-Fields. As it is under their Lordships' consideration whether Brookfield Market, being within 7 miles of the City, shall be established or not, Petitioners say that that market, being for live cattle, is as necessary for the western parts of this town as Smithfield Market for the other; for without Brookfield Petitioners must buy all their cattle at Smithfield on Friday, which are then heated with driving thither, and must be further chafed when driven thence to the slaughterhouses. The flesh of such cattle killed hot cannot be fit for market on Saturday, for it will neither take salt kindly nor keep until another market, so that great quantities of victuals will be lost, or the King's subjects fed with unwholesome meat. Pray that the aforesaid market may be confirmed and established. *Signed* by 92 persons, some by their marks. *Endorsed* as read this day. Petition referred to the Select Committee. L. J., XVI. 625. [See also Notes above.] 1700-1701.  
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- (d) 20 March. Petition of Rachel, Lady Russell, Fulke, Lord Brooke, George Pitt, Esq., and John Pitt, Esq. By Letters Patent of 19 Car. II. a market on Mondays, Wednesdays and Fridays and one on Saturdays at Bloomsbury, for all goods, merchandizes, beasts and cattle, were granted to Thomas, late E. Southampton and his heirs. By Letters Patent of 34 Car. II. four markets, on Mondays, Wednesdays, Fridays and Saturdays at Brookhouse Orchard or Garden, in the parish of St. Andrew, Holborn, for all manner of wares and merchandize, were granted to Petitioner Fulke, Lord Brooke and his heirs. By Letters Patent of 4 Jac. II two markets, on Wednesdays and Saturdays, at or near Red Lion Court, St. Giles', Cripplegate, for victuals, goods and merchandizes, were granted to Thomas Neale, Esq., and his heirs. These markets are and will be of great use to the gentlemen and their estates in Middlesex and to all other inhabitants there, and Petitioners are respectively entitled to them according to their several interests therein. Pray that a clause confirming the said Patents may be added to the Bill. *Signed* R. Russell, Brooke, G. Pitt, Jo. Pitt. *Endorsed* as read this day. L. J., XVI. 629. [See Notes to first paper. Nothing was done on this Petition. Com. Book 2 April.]
- (e) 31 March 1701. Petition of Edward, E. Warwick. Petitioner is informed that the Bill may be of great prejudice to him. Prays to be heard by Counsel before the Committee. *Signed* Warwick. *Endorsed* as read this day. *Ordered* to be heard. L. J., XVI. 638. [See notes to first paper.]
- (f) 2 April 1701. Amendments made in Select Committee this day. Com. Book 2 April.
- (g) 7 April 1701. Petition of Edward, E. Warwick and Holland. Petitioner was ordered to be heard by Counsel on his previous Petition (Annex (e)). His Counsel attended the Committee on Tuesday, but could not be heard, and on Wednesday the Committee sat earlier than was expected, so that he was not heard then. The Bill will lessen Petitioner's estate about Smithfield by at least 500*l.* a year. Prays to be heard by Counsel before the Third Reading. *Signed* Warwick. *Endorsed* as read this day. *Ordered* to be heard. L. J., XVI. 644. [See notes to first paper.]



1700-1701. 1571. Feb. 20. Navy.—An account of what ships of his Majesty's Navy are now in sea pay at home, from 50 guns upward, and how many from 50 to 100 guns are in condition to be fitted out to sea, and in what time they may be so fitted out, if men be procured and money timely supplied for their works and providing victuals for them. The account gives a list of 130 ships by name, with the following result :—

[Ships].	In Sea Pay.	In condition to be fitted for the Sea.	Under Repair.	Wanting Repairs.	
				Great or Rebuilding.	Lesser.
Of 7 first rate - -	—	4	1	2	—
Of 14 second rate -	—	5	3	6	—
Of 47 third rate -	12	22	5	4	4
Of 62 fourth rate -	20	35	4	1	2

There are also columns giving for each ship, (1) Complement of men (highest, middle, and lowest), (2) Number of guns, and (3) Where it is, or whither ordered. Then follows a statement as follows :—By the foregoing account it will appear that there are now actually at home in sea pay, of 50 guns and upwards, the number of ships following, viz., Third Rate, 12; Fourth Rate, 17; besides 6 Fourth Rate that are abroad, and 19 Fifth, 13 Sixth, Fireships, Yachts, and other small vessels, employed abroad and on the coast of Ireland, and other particular services at home, which ships and vessels, added to the complements of the other 29, will be, lowest complements, 11,490; middle complements, 13,557; highest complements 16,737. It will likewise appear by the said account that the following numbers of ships are in condition to be forthwith fitted out to sea so soon as it shall be ordered to enter men on them, viz. :—

Rate.	No.
1 - - - -	4
2 - - - -	5
3 - - - -	26
4 - - - -	34
	69
	29 already in sea pay.
In all - -	98

and these 69 ships will require the following number of men, viz.—

	Lowest Complements.	Middle Complements.	Highest Complements.	
	17,226	22,762	26,987	
	11,490	13,557	16,757	{ The ships already in sea pay at home.
Total - -	28,716	36,319	43,784*	

\* The mistake in the addition of this total occurs in the original MS.

*Memo.*—It is hoped that the aforesaid 69 ships said to be in condition to be fitted for the sea may be gradually made ready, and the whole despatched in two months or ten weeks time, provided money be timely procured; and as they are so gradually got in readiness, nothing will obstruct their going to sea but want of men, if the Commissioners for Victualling are supplied with money to enable them timely to procure provisions for them. *Signed* J. Bridgewater, Haversham, G. Rooke, D. Mitchell, Geo. Churchill. *Countersigned* J. Burchett. *Dated* Admiralty Office, this day. [Presented this day by E. Bridgewater. L. J., XVI. 603. On 19 Feb., in pursuance of the King's answer this day to words of the Address suggested by the letter to the Earl of Perth (*see* No. 1558 above), the House was moved to have an account from the Admiralty of the state of the Fleet, or ships that are now in readiness to be set out to sea, what number will soon be ready and manned, where the impediments and what they are that hinder the setting out a Fleet. *E. Bridgewater* heard, and says he will lay an account of this to-morrow. MS. Min. L. J., XVI. 602. On 20 Feb., on the presentation of the above account, a Select Committee was appointed to consider the State of the Fleet. L. J., XVI. 603.\* The same day, in Select Committee, E. Rochester in the Chair, the Commissioners of the Admiralty, Navy and Victualling Office are called in. (1) Q. What strength can be possibly prepared for the sea in 14 days, excepting the men? A. I cannot possibly tell now, but I will lay it before the Board. (2) Q. What strength now in the Downs? A. There are 8 sail, and the—

1700–1701.

—  
No. 1571.

*Chichester*, 80 guns  
*Shrewsbury*, 80 guns  
*Revenge*, 70 guns  
*Eagle*, 70 guns  
*Burford*, 70 guns  
*Nassau*, 70 guns  
*Breda*, 70 guns  
*Edgar*, 70 guns  
*Essex*, 70 guns

*Berwick*, 70 guns  
*Grafton*, 70 guns  
*Defiance*, 62 guns  
*Plymouth*, 60 guns  
*Sunderland*, 60 guns  
*Romney*, 50 guns  
*Burlington*, 50 guns  
*Ruby*, 50 guns  
*Falmouth*, 50 guns

these ships are ordered to join the 8 ships in the Downs, as are also the—

*Portland*, 50 guns  
*Crown*, 50 guns  
*Lynn*, 30 guns  
*Lyme*, 30 guns

*Feversham*, 30 guns  
*Newport*, 20 guns  
*Flamborough*, 20 guns

The five ships following are ordered for the West Indies, which may be joined to them:—

*Assistance*, 50 guns  
*Southampton*, 50 guns  
*Gosport*, 30 guns

*Scarborough*, 30 guns.  
*Seahorse*, 20 guns.

Q. What methods they propose for speedy manning the Fleet? *Sir David Mitchell* delivers in in writing the method that was taken

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\* In MS. Min. there follows an expunged entry, viz.:—Sir Richard Haddock and others of the Navy Board were called in, and of the Victualling Office—Further down there is an entry that the House adjourned during pleasure and was resumed. This does not appear in L. J.



- 1700-1701. in 1695, which was read (*see* below). *Q.* Is there any way to man the ships without laying an embargo? *A.* The sense of the Board appears in the above-mentioned paper. *Agreed* the said paper be laid before the House. *Ordered* that the Commissioners of the Admiralty do to-morrow, at 11 o'clock, in the Prince's Lodgings, near the House of Peers, lay before their Lordships in writing what number of ships and of what force can possibly be prepared for the sea in fourteen days, excepting the men. Com. Book. The same day, in MS. Min., the following expunged entry appears:—E. Rochester reported, from the Lords' Committees appointed to consider of the state of the Fleet, that they had received some methods taken for manning the Fleet from Officers of Navy Board and Victualling, which were read, as follows, viz.:—The method taken for manning the Fleet in the year 1695, when there was an apprehension of an invasion from Dunkirk and those parts. The civil magistrates of Kent and about Portsmouth were ordered to secure all straggling seamen, and to send them to the Commissioners residing nearest to the place where they should meet with them. The Commander-in-Chief in the river Medway was likewise directed to hasten all ships from thence and the Nore to the Downs, and Capt. Aston, Master Intendant on Float, to do the like to all men-of-war, fireships and other vessels fitting out in the river, and all the boats belonging to the ships at the Nore and Blackstakes were ordered to come up the river of Thames, to press watermen, bargemen, lightermen and others working or plying on the said river; besides which, general orders were issued to press all without distinction, except such as were employed on necessary services of the Navy, Ordnance, Victualling, &c.; and in [this] regard there was an embargo laid on [the crews of] all merchant ships. It was ordered that a third part of them belong[ing] to those outward bound should be taken from them for the more speedy putting the Fleet into a condition to prevent the enemy's design.\*

On 21 Feb., in Select Committee, E. Rochester in the Chair, Sir David Mitchell is called in, as also the Commissioners of the Navy, &c. He delivers in the number of ships that may be prepared in 4 [14 ?] days, which is read. *Q.* Whose care is it to get the men? *A.* It is the Captains', and they are taking all the care they can, and we have ordered them to do so. They [the Commissioners] desire a letter from the Commissioners of the Navy to the Admiralty, dated 26 Feb. 1689, concerning the method of manning ships, may be read, which was accordingly done out of their books. Sometimes the Admiralty have ordered a Flag Officer to do it, and it would be of advantage to do so now. *Q.* Whether the 9 great ships had not better be last set out? *A.* My private opinion is that the lesser ships had best be first set out; but I pray the Board may be asked. *Mr. Coleby*, one of the Commissioners for Victualling the Navy, says that provisions are making for 10,000 men, as they were ordered, and when they receive further order they will make provision accordingly. They withdraw. *Ordered* that to-morrow at 11 o'clock the Commissioners of the Admiralty lay before their Lordships in writing whether they do not conceive it would be best to defer manning the 4 First Rate and the 5 Second Rate ships mentioned

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\* Then follows an entry, not in L. J., as follows:—House moved to address to the King to lay an embargo upon all merchant ships, and to order the usual form to be executed by the watermen for returning the names of persons for seamen. MS. Min. 20 Feb.

in their paper delivered in this day, until the Third and Fourth Rate ships therein also mentioned are manned. *Ordered* that the Commissioners for Victualling the Navy do to-morrow at 11 o'clock lay before their Lordships in writing how soon provision will be ready for the 29 ships, viz., 12 of the Third and 17 of the Fourth Rate, mentioned in a paper this day delivered in by the Commissioners of the Admiralty. *Ordered* the House be acquainted with the within mentioned letter of the 26 Feb. 1689, in their Book fol. 800, to be considered by them. Com. Book, 21 Feb. The same day, in the House, *E. Rochester* reported from the Committee that they had sent for Sir David Mitchell and some officers of the Victualling, and the Committee had asked them this question, What number of ships, and of what force, can possibly be prepared for the sea in 14 days, excepting the men? To which they have this morning answered in writing. They were asked what methods have been used for men, and they referred us to a letter from the Navy Board which was in the Book of the Office, which was here. The letter was read out of the Book of the Admiralty, 26 Feb. 1689. The Committee came to no opinion in this case, but hope your Lordships will give directions, as the House shall think fit. House moved to draw an Address to be presented to his Majesty upon the Report this day, in order to the speedy manning out of a Fleet, and to get the concurrence of the House of Commons. *Proposed* to consider whether the method reported and read out of Admiralty Book should be put in practice. *Proposed* a Committee of both Houses to consider the state of the fleet, and how to speed the fitting out a fleet in this conjuncture. *Moved* (1) To agree that an Address to the King for public notice that all seamen abroad upon recalls should have their public recalls paid them upon their return; (2) That such seamen as come in shall have 6 weeks advance or bounty; (3) That his Majesty send down a Flag Officer to take care that the Captains do their duty in manning the Fleet, and receiving such orders as shall be sent to him, and what other methods the King shall think fit. *Ordered* that the Committee to consider of the state of the Fleet do draw an Address to be presented to his Majesty upon these three heads, and to sit to-morrow 10 o'clock. MS. Min. L. J., XVI. 605.

On 22 Feb., in Select Committee, *E. Rochester* in the Chair, a draft of an Address being drawn and read was agreed to be reported. Sir David Mitchell and the Commissioners for Victualling, &c., are called in, and he gives in an answer to the question sent to the Board of Admiralty yesterday. The Commissioners for Victualling also deliver in a paper (Annex (a)) in pursuance of the Order yesterday. Com. Book 22 Feb. The same day the Address prepared by the Committee was reported to the House and agreed to. L. J., XVI. 605. On 25 Feb. the King answered that he had given orders in accordance with the Address. *Ib.* 607. On 11 March, *Agreed* to send for L. Haversham, and, if not at the Office, Sir David Mitchell [to] come. *Moved* to send to the Admiralty to lay a state or account of what forwardness the Fleet is now in, or of the present state of the Fleet. *Ordered* to be done weekly. MS. Min. L. J., XVI. 619. The Lord Haversham laid before the House states of the Fleet, in writing, on March 13, 20, and 28, and April 11 and 24 (Annexes (b), (c), (d), (e), and (f), L. J., XVI. 621, 629, 636. No entry of last two.]

Annexed:—

(a) 22 Feb. An account of the ships now in victualling and ordered to be victualled at London and the several Out Ports,



1700-1701.

No. 1571.

and by what time they may each of them be victualled for six weeks :—

—	Number of Men.	At what Port.	By what time they may be victualled.
3rd Rates.			
<i>Chichester</i> Guardship	322	At Portsmouth	May be dispatched in a day or two.
<i>Shrewsbury</i> - -	—	At Plymouth	We hope is victualled, our agent having had orders some time since.
<i>Revenge</i> Guardship -	293	At Chatham -	May be dispatched in a day or two.
<i>Eagle</i> Guardship -	293	" " -	} All their provisions is gone from hence, so will be on board in a day or two.
<i>Burford</i> Guardship -	293	" " -	
<i>Nassau</i> Guardship -	293	At Portsmouth	May be dispatched in a day or two.
<i>Breda</i> - -	293	" "	} May have their provisions in ten days time.
<i>Edgar</i> - -	284	" "	
<i>Essex</i> - -	293	At Chatham -	
<i>Berwick</i> - -	293	" " -	
<i>Grafton</i> - -	293	" " -	} We hope is victualled, our agent having had orders some time since.
<i>Defiance</i> - -	—	At Plymouth	
4th Rates.			
<i>Plymouth</i> - -	206	" "	We hope is victualled, our agent having had orders some time since.
<i>Sunderland</i> Guardship	221	At Portsmouth	May be dispatched in a day or two.
<i>Romney</i> Guardship -	149	At Chatham -	Her provisions will all go from hence this day.
<i>Burlington</i> - -	149	At Plymouth	We hope is victualled, our agent having had orders some time since.
<i>Ruby</i> - -	149	At Portsmouth	May have her provisions on board in ten days' time.
<i>Falmouth</i> - -	149	At Chatham -	May have her provisions in ten days.
<i>Colchester</i> - -	—	" " -	} No warrant for victualling of them, but may be victualled in 14 days after we have received orders.
<i>Orford</i> - -	—	" " -	
<i>Pendennis</i> - -	—	At Plymouth	
<i>Crown</i> - -	149	—	Indented the 19th inst. at London for 10 weeks.
<i>Hampshire</i> - -	149	—	Indented the 15th Jan. at London for 3 months.
<i>Salisbury</i> - -	149	—	Indented the 23rd Dec. last at London for 4 months.
<i>Worcester</i> - -	149	—	Indented the 15th Jan. last at London for 3 months.
<i>Winchester</i> - -	149	—	Indented the 15th Jan. last at London for 2 months.
<i>Portland</i> - -	149	At Sheerness -	Has some beer aboard, and will have the rest of her provisions with all speed.
<i>Assistance</i> - -	197	In the Hope -	Has all aboard that she can take in for 8 months.
<i>Southampton</i> - -	197	" " -	Has 34 tuns of beer on board, will have the rest of her provisions in two or three days time.

*Dated this day. Endorsed Copy of the list that came from the Lords with an account when the ships will be victualled. [Delivered this day to the Select Committee by the Commissioners for Victualling. Com. Book.]*

(b) 13 March. A list of his Majesty's Ships now in pay at home, besides those employed on the coast of Ireland and several Fireships and small vessels fitting out, with an account of their captains' names, their middle complements of men, and the

numbers borne and mustered on each of them, according to the 1700-1701.  
last accounts :—

—  
No. 1571.

Rate.	Ships.	Captains.	Comple- ments.	Borne.	Mus- tered.	Where they now are.
3	<i>Triumph</i>	Wm. Bokenham	562	23	23	} at Chatham.
	<i>Barfleur</i>	Tho. Jennings	562	114	90	
	<i>Namur</i>	John Munden	562	38	38	
	<i>Boyne</i>	And. Pedder	398	Just ordered to be fitted out.		} at Portsmouth. in the Downs.
	<i>Eagles</i>	Wm. Kerr	370	280	248	
	<i>Revenge</i>	Tho. Ley	370	277	267	} going from Blackstokes to the Downs.
	<i>Burford</i>	Sim. Foulkes	370	286	284	
	<i>Chichester</i>	Rob. Robinson	398	248	228	} at Spithead.
	<i>Nassau</i>	Ephr. Myngs	370	194	182	
	<i>Essex</i>	John Hubbard	370	270	243	} at Chatham.
	<i>Grafton</i>	Tho. Harlow	370	273	243	
	<i>Berwick</i>	John Leake	370	280	110	
	<i>Edgar</i>	Rt. Syneock	360	99	90	} at Portsmouth.
	<i>Breda</i>	Ephr. Fogg	370	197	143	
	<i>Defiance</i>	John Johnson	312	90	77	} at Plymouth.
	<i>Shrewsbury</i>	Ch. Cornwall	398	100	83	
	<i>Ranelagh</i>	Ja. Greenway	398	150	66	} at Chatham.
	<i>Torbay</i>	Ld. Hamilton	398	41	30	
	<i>Somerset</i>	Ed. Good	398	45	34	
	<i>Newark</i>	Rd. Clarke	398	106	60	
	<i>Bedford</i>	H. Haughton	370	76	60	
	<i>Ipswich</i>	Isa. Townsend	370	118	68	
	<i>Kent</i>	John Jennings	370	76	75	
	<i>Monmouth</i>	Edw. Bibb	312	162	94	
	<i>Stirling Castle</i>	H. Martin	370	90	84	
	<i>Suffolk</i>	Tho. Fowlis	370	125	125	
	<i>Swiftsure</i>	W. Jumper	336	176	100	} at Portsmouth.
	<i>Yarmouth</i>	W. Whetstone	370	43	28	
	<i>Orford</i>	Ger. Elwes	370	42	28	
	<i>Resolution</i>	Bazl. Beaumont	336	21	19	
	<i>Royal Oak</i>	Rd. Edwards	380	39	34	
4	<i>Romney</i>	John Fletcher	197	174	153	} in the Downs.
	<i>Portland</i>	Edw. Whitaker	197	156	146	
	<i>Crown</i>	Rt. Wynn	197	147	139	
	<i>Salisbury</i>	Rd. Lestock	197	167	158	
	<i>Hampshire</i>	And. Leake	197	147	138	
	<i>Worcester</i>	Pet. Watton	197	163	159	
	<i>Winechester</i>	Rich. Wyatt	197	162	158	
	<i>Falmouth</i>	Rt. Kirktown	197	126	83	
	<i>Sunderland</i>	Tudr. Trevor	278	156	137	
	<i>Ruby</i>	Rd. Kirkby	197	111	98	



1700-1701.

—  
No. 1571.

Rate.	Ships.	Captains.	Comple- ments.	Borne.	Mus- tered.	Where they now are.
4	<i>Burlington</i>	Tho. Cleasby	197	105	89	} at Plymouth.
	<i>Plymouth</i>	Pet. Pickard	264	170	150	
	<i>Centurion</i>	John Price	197	179	131	at Woolwich.
	<i>Oxford</i>	Gasp. Hicks	236	27	18	at Sheerness.
	<i>Southampton</i>	Ja. Moody	197	215	215	in her way to the Downs.
	<i>Assistance</i>	John Graydon	197	193	180	in the Downs.
	<i>Colechester</i>	John Redman	197	42	26	} at Chatham.
	<i>Mountague</i>	W. Cleaveland	274	148	126	
	<i>Windsor</i>	W. Gifford	278	32	18	} at Portsmouth.
	<i>Exeter</i>	Ja. Stewart	278	33	26	
	<i>York</i>	John Knapp	264	27	27	
	<i>Pembroke</i>	John Baker	278	12	12	
	<i>Dunkirk</i>	Tho. Robinson	264	14	14	
	<i>Greenwich</i>	Steph. Elliott	236	17	17	
	<i>Jersey</i>	Rob. Stapleton	197	30	20	} at Plymouth.
	<i>Pendennis</i>	Ch. Strickland	197	No account as yet.		
	<i>Kingston</i>	John Leader	278	30	21	
	<i>Medway</i>	Ch. Wager	278	23	19	
	<i>Chatham</i>	Rt. Hancock	197	No account as yet.		} at Sheerness.
	<i>Dover</i>	Nich. Trevanion	197	82	64	
	<i>Bonadventure</i>	Fleetwd. Emms	197	219	189	} at Woolwich.
	<i>Deptford</i>	Edm. Loades	197	170	123	
	<i>Norwich</i>	And. Douglass	197	160	100	
5	<i>Kinsale</i>	John Hartnell	115	} No account as yet.		at Plymouth.
	<i>Terrible</i>	Wm. Urrey	115			
	<i>Betty</i>	Pereg. Bertie	115	8	8	at Sheerness.
	<i>Charles Galley</i>	H. Middleton	115	134	85	in the Hope.
	<i>Lowestoft</i>	John Underdown	115	94	93	} in the Downs.
	<i>Poole</i>	John Cranby	115	87	84	
	<i>Faversham</i>	Ph. Cavendish	115	104	101	} at Sheerness.
	<i>Adventure</i>	John Herne	160	41	21	
	<i>Lynn</i>	Edw. Acton	115	78	62	
	<i>Sheerness</i>	Rich. Paul	115	129	98	in the Hope.
	<i>Gosport</i>	Hen. Crofts	115	80	62	in the Downs.
	<i>Scarborough</i>	Ch. Desborow	115	103	68	at Portsmouth.
6	<i>Queenbrough</i>	Edw. Owen	95	70	68	} in the Downs.
	<i>Essex Prize</i>	John Aldred	60	59	56	
	<i>Seahorse</i>	Went. Paxton	95	44	26	at Sheerness.
	<i>Saxford</i>	Geo. Clements	95	30	10	at Portsmouth.
	<i>Penzance</i>	Tho. Lawrence	95	41	39	at Deptford.
	<i>Newport</i>	Sal. Morrice	95	114	101	in the Hope.
	<i>Flambrough</i>	Rob. Hughes	95	112	112	in her way to the Downs.
			21,466	8,842	7,303	

*Signed* Haversham, G. Rooke, D. Mitchell, Geo. Churchill. 1700-1701.  
*Countersigned* J. Burchett. *Dated* Admiralty Office 12 March.  
*Endorsed* Musters of his Majesty's Ships in pay at home. No. 1571.  
 Laid before the House this day by Lord Haversham. L. J.,  
 XVI. 621.

(c) 20 March. Similar statement, with same heading, giving the same particulars for 84 ships, grouped according to station, viz. :—

In the Downs	-	-	1 Third Rate	} = 12
			8 Fourth "	
			1 Fifth "	
			2 Sixth "	
At Chatham	-	-	3 Second Rate	} = 18
			12 Third "	
			3 Fourth "	} = 5
At Blackstakes	-	-	4 Third Rate	
			1 Fourth "	} = 6
At Sheerness	-	-	2 Fourth Rate	
			3 Fifth "	
			1 Sixth "	} = 2
At St. Helen's	-	-	2 Third Rate	
At Portsmouth	-	-	5 Third Rate	} = 16
			9 Fourth*	
			1 Fifth "	
			1 Sixth "	
At Plymouth	-	-	2 Third Rate	} = 10
			6 Fourth "	
			2 Fifth "	
In the Hope	-	-	1 Fourth Rate	} = 3
			2 Fifth "	
At Woolwich	-	-	3 Fourth Rate	= 3
At Deptford	-	-	1 Sixth Rate	= 1
Sailed for Spithead	-	-	1 Fifth Rate	= 1
Sailed for the Downs	-	-	2 Third Rate	} = 4
			1 Fourth "	
			1 Sixth "	
Gone a cruising	-	-	2 Fifth Rate	} = 3
			1 Sixth "	
				84

The totals brought out are 21,615 for middle complements, 12,933 men borne and 10,915 mustered. *Signed, countersigned,* and *endorsed* as in preceding paper. *Dated* 18 March. Laid before the House this day by L. Haversham. L. J., XVI. 629. [See also Note to first paper].

(d) 28 March 1701. Similar statement, with same heading, giving the same particulars for 86 ships, grouped according to station, viz. :—

In the Downs	-	-	5 Third Rate	} = 20
			11 Fourth "	
			2 Fifth "	
			2 Sixth "	

\* One, the *Bristol*, Capt. Cha. Desborow, is marked as just ordered to be fitted out.



1700-1701.	At Chatham -	-	2 Second Rate	} = 9
			5 Third „	
No. 1571.			2 Fourth* „	
	At Blackstakes -	-	1 Second Rate	} = 14
			11 Third „	
			2 Fourth „	
	At Sheerness -	-	2 Fourth Rate	} = 6
			3 Fifth „	
			1 Sixth „	
	At Portsmouth -	-	4 Third Rate	} = 13
			8 Fourth „	
			1 Fifth „	
	At Spithead -	-	1 Fourth Rate	} = 4
			2 Fifth „	
			1 Sixth „	
	At Plymouth -	-	2 Third Rate	} = 9
			5 Fourth „	
			2 Fifth† „	
	In the Hope -	-	3 Fourth Rate	= 3
	In Gallion's Reach -	-	1 Sixth Rate	= 1
	Sailed for the Downs -	-	1 Third Rate	= 1
	Gone a cruising -	-	1 Fourth Rate	} = 6
			3 Fifth „	
			2 Sixth „	
				86

The totals brought out are 22,036 for middle complements, 16,334 men borne and 14,416 mustered. *Signed, countersigned, and endorsed* as in preceding paper. *Dated* 25 March 1701. Laid before the House this day by L. Haversham. L. J., XVI. 636. [See also Note to first paper].

(e) 11 April. Similar statement, with same heading, giving the same particulars for 83 ships, grouped according to station, viz. :—

In the Downs -	-	-	12 Third Rate	} = 35
			18 Fourth „	
			3 Fifth „	
			2 Sixth „	
At Chatham -	-	-	1 Third Rate	} = 2
			1 Fourth „	
At Blackstakes -	-	-	3 Second Rate	} = 17
			11 Third „	
			3 Fourth „	
At Sheerness -	-	-	2 Fourth Rate	} = 6
			3 Fifth „	
			1 Sixth „	
At Portsmouth -	-	-	2 Third Rate	} = 7
			4 Fourth „	
			1 Fifth „	
At Plymouth -	-	-	4 Fourth Rate	} = 5
			1 Fifth† „	

\* One, the *Gloucester*, Capt. Tho. Butler is marked as just ordered to be fitted out.

† One, the *Kinsale*, Capt. Jno. Hartnell, is marked, No account of men borne and mustered.

‡ The *Kinsale* marked as in preceding paper.

In Gallion's Reach	-	-	1 Sixth Rate	=	1	1700-1701.
On their way to the Downs	-	-	2 Third Rate	}	= 4	— No. 1571.
			2 Fourth „			
Gone a cruising	-	-	1 Fourth Rate	}	= 6	
			3 Fifth „			
			2 Sixth „			
					<hr/>	83

The totals brought out are 21,796 for middle complements, 18,920 men borne and 17,190 mustered. *Signed* Haversham, D. Mitchell, Geo. Churchill. *Not countersigned.* *Endorsed* as in preceding paper. *Dated* 1 April. *Marked* as delivered by L. Haversham this day. No entry in L. J. or MS. Mia. [See also Note to first paper.]

(f) 24 April. Similar statement, with same heading, giving the same particulars for 101 ships, grouped according to station, viz. :—

At Spithead	-	-	1 Second Rate	}	= 44
			23 Third „		
			17 Fourth „		
			3 Fifth „		
In the Downs	-	-	2 Third Rate	}	= 13
			8 Fourth „		
			2 Fifth „		
			1 Sixth „		
At Blackstakes	-	-	2 Second Rate	}	= 6
			2 Third „		
			2 Fourth „		
At Sheerness	-	-	3 Fourth Rate	}	= 3
At Chatham	-	-	1 Third Rate		
			1 Fourth „	}	= 2
In Portsmouth Harbour	-	-	6 Third Rate		
			2 Fourth „	}	= 8
At Plymouth	-	-	2 Fourth* „		
			5 Fifth*† „	}	= 7
At Woolwich	-	-	2 Fourth Rate		
At Deptford	-	-	1 Fifth Rate	}	= 1
On their way to Spithead	-	-	1 Fourth Rate		
			2 Fifth „	}	= 4
			1 Sixth „		
Gone a cruising	-	-	1 Third Rate		
			3 Fourth „	}	= 11
			3 Fifth „		
			4 Sixth „		

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101

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The totals brought out are 24,181 for middle complements, 22,069 men borne and 21,071 mustered. *Signed* Pembroke, Haversham, D. Mitchell, Geo. Churchill. *Countersigned*

\* The *Assistance*, Fourth Rate, and *Feversham*, Fifth Rate, Capts. Jno. Graydon and Phil. Cavendish, are marked as ordered to Newfoundland.

† One, the *Winchelsea*, Capt. Rd. Short, is marked, No account of men borne and mustered. The *Kinsale* gives an account.



1700-1701. J. Burchett. *Endorsed* as in preceding paper. *Dated* 22 April 1701. Marked as brought in by L. President this day. No entry in L. J. or MS. Min. [*See also* Note to first paper.]  
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 No. 1571.

1572. Feb. 21. Writs of Summons.—Writs of Summons to the following Peers, who took the Oaths this day. *Dated* 26 Dec. 1700. L. J., XVI. 604.

- (1.) Charles, D. St. Albans.
- (2.) John, E. Marlborough.
- (3.) William, L. North de Kytling and Grey de Rolleston.

1573. Feb. 22. Writ of Summons (L. Cornwallis).—Writ of Summons to Charles, L. Cornwallis. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 605.]

1574. Feb. 22. Roland Wood (Petition for Bill).—Petition of Roland Wood, Gent. On Petitioner's marriage with Judith, his now wife, in consideration of her marriage portion, his father settled Ebworth farm, Gloucestershire, (then in mortgage), on trustees, to the use of Petitioner, his wife and their issue. It was agreed that if the farm were sold his father should settle other lands, held of the Bishop of Gloucester, instead. A clause in the settlement provided for the raising of 1,000*l.* portion in case one daughter were the only issue. There is only one daughter and it has been agreed to sell the farm, and Petitioner's father is ready to substitute the aforesaid other lands, which are of greater value. Prays leave to bring in a Bill for the purpose. *Signed* Roland Wood. L. J., XVI. 605. [Leave given, but Bill never brought in.]

1575. Feb. 22. Marsham's Estate Act.—Amended Draft of an Act to enable Sir Robert Marsham, Knt. and Bart., to dispose of lands in Hertfordshire and to settle other lands of better value in Kent to the same uses as the lands in Hertfordshire are settled. The three amendments made in the Select Committee were of a drafting nature. The value of the lands in Kent was proved to be greater than that of the property in Hertfordshire. Com. Book March 10, 11. The Commons made several amendments which are set out in C. J., XIII. 490. [Read 1<sup>a</sup> this day. Royal Assent 12 June 1701. L. J., XVI. 605, 738. 13 Will. III. c. 14 in Long Cal.]

Annexed :—

(a) 18 Feb. Petition of Sir Robert Marsham, Bart. Prays leave to bring in a Bill to substitute lands of a greater value in Kent for those in Hertfordshire settled on his marriage with Dame Margaretta, his wife, which are very inconvenient and remote from his other property, and which he wishes to dispose of. *Signed* Robert Marsham. L. J., XVI. 601.

1576. Feb. 24. Thomas v. Kemeyes.—Petition and Appeal of Sir John Thomas and Dame Elizabeth, his wife. Edmond Thomas, of Wenvoe, Glamorganshire, brother of Appellant Elizabeth, on the marriage of his son William with Mary, daughter of Philip, Lord Wharton, settled divers lands upon them and their sons with a provision in case they had only a daughter for raising 5,000*l.* to be paid to such daughter at the age of 18 or on her marriage, with interest from the date of her father's death. The issue of the marriage, being one son and one daughter and there being no provision under the settlement for a daughter, except in the case of there being no sons,

William Thomas settled divers other lands upon trustees in order to pay 5,000*l.* to his daughter at the age of sixteen or on her marriage and also maintenance in the meantime.

1700-1701.

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No. 1576.

William Thomas died a year later, and his son died without issue in 1692, consequently the whole estate of the family came to Anne, the daughter, as heir-at-law, whilst the mother, as executrix under her son's Will, got the profits of the estate.

Anne reached the age of eighteen, but died a fortnight later, and on being asked by the minister who attended her how she would dispose of her property, answered in general words that she left it to her mother, brother and sisters, meaning her mother's son and daughters by her second husband, Sir Charles Kemeys. She also mentioned some specific legacies. Sir Charles and Lady Kemeys took out a plain administration as if Anne had died intestate, but some of the legatees sued them to repeal the administration. An administration, with the nuncupative Will annexed, was then granted to Lady Kemeys, by which she and her children have gained two houses in Holland and about 4,000*l.* in money which would have come to Appellant Elizabeth.

Anne had also 4,000*l.* ready money, securities for large sums, and jewels of great value, all which as personal estate together with two years' profits of the real estate went to Lady Kemeys and her children. In spite of this she and her husband claim both the sums of 5,000*l.*, which were limited to the daughter, and have brought ejectments and got judgment in the name of the surviving trustees.

Appellants brought a Bill in Chancery to stay the proceedings and to compel Respondents to assign to them the several terms. The Lord Chancery decreed that the terms for years were not discharged by the inheritance vesting in Anne Thomas, and that one sum of 5,000*l.* ought to be charged upon the estate, besides maintenance till she was sixteen and full interest for the 5,000*l.* from that time. Pray that the Decree may be reversed and Respondents ordered to answer. *Signed* by Appellants. *Countersigned* Wm. Whitelocke, Wm. Dobyns. L. J., XVI. 606.

[The Appeal and Cross Appeal were heard and dismissed on 8 April 1701. *Sir Thomas Powys* opens the case for the Appellants. He cites Lord Poulett's case in Chancery, and in this House and Mr. Nerbon's in Lord Nottingham's time. If they do not admit the limitations on the deeds, which I believe they do, we [will] not read deeds. *Mr. Dobyns* heard on the same side. *Sir Bartholomew Shore* heard for Sir Charles Kemeys: The question is—a man is seised in fee simple. Upon the marriage of his son he makes a settlement, and the question is whether this is good. It was a personal interest in her and a husband is entitled to it, so her executor or administrator must have it now. We are in possession of a term by law. *Mr. Pooley* heard for Respondents. The deeds read as to the terms raised by the deeds and the 5,000*l.* and the limitations therein. The proviso read also. *Sir Thomas Powys* replies: I desire to argue two or three things with them. Which is in the right is the main matter. By Law it is my Lord Wharton's and Goodwin Wharton's, and this the 12 Judges will tell you. Is it for this reason to be so in a Court of Equity? *Sir Bartholomew Shore* heard and says, We are Appellants also. *Sir Thomas Powys* opposes it. Counsel withdraw and after debate the *Question* was put, Whether the Decree shall be reversed? It was resolved in the negative. *Ordered* that the Petition be dismissed and Decree affirmed, and that both the Appeals be dismissed. MS. Min. L. J., XVI. 645-6.]



1700-1701.

Annexed:—

No. 1576.

(a) 17 March. Petition of Respondent Sir Charles Kemeys. He had a violent cold, which turned to a fever and since to the gont, so that he has not been able to prepare his Answer. Some of his most material papers were left in Glamorganshire. Prays for three weeks' further time to answer. *Signed* Cha. Kemeys. *Endorsed* as read this day. L. J., XVI. 625.

(b) 26 March 1701. Answer of Sir Charles Kemeys, Bart., Charles, Jane and Mary Kemeys, his children, and the Rt. Hon. Thomas, Lord Wharton and Goodwin Wharton, Esq. On the death of Lady Kemeys, Sir Charles took out letters of administration of Anne's goods and chattels. Respondents were advised that they were entitled to the 5,000*l.* with the 3*l.* per cent. for maintenance and also to the other 5,000*l.* and maintenance money which Appellants refused to pay. They therefore caused ejectments to be brought against the tenants to recover possession and obtained judgments. The Lord Chancellor decreed that only one sum of 5,000*l.* should be raised, but that all the lands should be charged with that sum and maintenance money and referred it to a Master to take an account of the rents and profits since the death of Sir Edmund Thomas. Appellants have no reason to complain of the Decree. Respondents intend to appeal from it in hopes of getting the other 5,000*l.*, as the fact that the inheritance descended to Anne could not merge the other settlements, nor ought she to be prevented of disposing of the 5,000*l.* nor should the benefit of it be taken away from her next of kin the Respondents, in favour of Appellant Elizabeth, who has an inheritance of great value. *Signed* by Respondents. *Countersigned* Tho. Vernon, Hen. Poley. *Endorsed* as brought in this day.

(c) 28 March. Cross Appeal of Sir Charles Kemeys, Bart., Charles, Jane, and Mary Kemeys, his children, and Thomas, Lord Wharton and the Hon. Goodwin Wharton, Esq. Sir John Thomas and Dame Elizabeth have appealed against the Decree thereby insisting that both sums of 5,000*l.* are extinguished by the descent of the inheritance to Anne. Petitioners also appeal against it. They insist that both sums of 5,000*l.* ought to have been decreed to them, and pray that the Decree may be rectified and that their Appeal may be heard at the same time as the Appeal of Sir John Thomas and his wife. *Signed* by Appellants. *Countersigned* Tho. Vernon, Hen. Poley. *Endorsed* as read this day. L. J., XVI. 636.

(d) 1 April. Answer of Sir John Thomas, Bart., and Dame Elizabeth, his wife. Contend that both sums of 5,000*l.* ought to be extinguished and that neither of them ought to be raised. *Signed* by Respondents. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

1577. Feb. 25. E. Sandwich v. E. Lichfield.—Petition and Appeal of Edward, Earl of Sandwich, and Lady Elizabeth, his wife, John, Viscount Lisburne, and Lady Mallett, his wife, and the Honourable Francis Greville, Esq., and Lady Anne, his wife. Henry, Earl of Rochester, grandfather of Lady Elizabeth, Lady Mallett and Lady Anne, who died in banishment with King Charles II., left an estate in Adderbury, Oxfordshire, part of which was freehold and part held by lease upon lives from the Bishop of Winchester. His widow Lady Anne, as mother and guardian to John, Earl of Rochester, sold Wilmot

House, in Scotland Yard, and got Dr. Duppa, then Bishop of Winchester, to renew the leases upon favourable terms. On the deaths of some of the persons for whose lives the leases were granted, she inserted the names of other persons on payment of fines, the last of whom was the Earl of Lichfield. In 1682 Lady Anne conveyed the manor of Adderbury and other leasehold property to trustees, and left it by Will to the Earl of Lichfield and his sons successively. On her death, Appellants exhibited their Bill in Chancery against E. Lichfield to have an account of the rents and profits so far as to have them applied to the discharge of the fines and to have an assignment of the leases on payment of what was due for charges on renewals and improvements. E. Lichfield and the other Respondents opposed the taking of any account and exhibited their Bill and maintained that Anne, Countess of Rochester, having advanced large sums to her husband during his banishment, had become in equity a purchaser of the estate. On the Causes being heard Appellants' Bill was dismissed as regards the leasehold estate, but a trial at law was ordered to find out how much freehold or copyhold property belonged to Henry, E. Rochester, at his death, and all that was found to be leasehold was to go to E. Lichfield. Appeal from this Order, as the manor has been held by the family since the 10th year of King James I. and is their ancient seat and estate. *Signed* Sandwich, F. Greville. *Countersigned* Will. Cowper, J. A. Sloane. L. J., XVI. 607. [At the Hearing on 22 March *Sir Bartholomew Shore* heard for Appellants: This lease was the ancient [seat] of the family. The purchase was for a fine of 2,000*l.* for sufferings. The benefit ought to redound to the family. If it had been a renewal, the benefit must have been to the same persons as before. *Sir Thomas Powys* heard for Respondents: We hope the Decree is right that there are freehold and copyhold, but so small and inconsiderable that they are not valuable. They set up a trust of 40 years standing. The question is whether when the lease was taken of the Bishop there was a trust in the lady. *Mr. Pooley* heard for Respondents: This must be originally, say they, from the year 1660. They read Sir Walter St. John's and other depositions. *Mr. Cowper* heard in reply for Appellants: We desire to read to support the testimony of Swift and Gardiner. They were both constantly in the family. We have 16 witnesses to support their credit. MS. Min. The Appeal was dismissed. L. J., XVI. 631.]

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No. 1577.

Annexed :—

(a) 8 March. Answer of Edward Henry, Earl of Lichfield, and his sons, Edward Henry, Lord Quarrendon, and James, Charles Henry, George Henry and Francis Henry Lee. The Orders appealed against are just and equitable. Anne, Countess of Rochester, purchased the manor and lands in question for her life and for those of two other persons with her own money, and not upon any trust for her son. She paid the fines upon renewal and could dispose of the property as she liked. Pray that the Appeal may be dismissed with costs. *Signed* Litchfield. *Countersigned* Hen. Pooley. *Endorsed* as brought in this day. MS. Min.

1578. February 25. Tidcomb v. Boddington and Cholmley.—Petition and Appeal of John Tidcomb, Esq. John Tidcomb, who is Colonel of a Regiment of Foot, contracted in 1695 with James Moyer for the clothing of the Regiment for the following year. The contract was, by desire of Moyer, made in the name of John Cholmley, in trust for Moyer, and payment was to be made on the terms usual in such



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transactions, viz., by an assignment by the Colonel on the Earl of Ranelagh, the Paymaster of the Army, out of the off-reckonings of the regiment for the year 1696 in course as they became due. The Colonel was not to be personally liable unless he himself received the off-reckonings, applied them to other purposes, or prevented the clothier from having the benefit of the assignment; the off-reckonings of each regiment being, by the establishment of the army, intended and set apart for its clothing. It was declared and expressly agreed, at the time when the agreement was executed, that the Colonel should not be personally liable for the clothing. Although the clothing was for 1696 it was not to be solely paid for out of the off-reckonings of that year, part of which had been anticipated for the clothing of the previous year, but was to be paid for when the previous year's clothing had been paid in full, according to the method used in the army. This was agreed to by the contractors, who were aware that the regiment was in debt for the 1695 clothing. For that reason therefore they insisted upon higher prices than usual, amounting to cent. per cent. profit, to which increase the Colonel had to submit. Moyer took Boddington and one Tracey Pauncefort into partnership. It fell to the share of Boddington to supply the clothing for the regiment, and he, in order to make the Colonel pay the money out of his own pocket, brought an action at law against him and recovered a verdict and judgment for the full amount of 2,331*l.* 12*s.* 6*d.*, although he had received 400*l.* of it. The Appellant brought a Bill in Chancery to be relieved, but, though it was shown that an Act of 1697 applying the off-reckonings of 1697 for the payment of the clothiers, who had supplied the army for that year, prevented Boddington receiving the money for the clothing of 1696, the Court did not relieve Appellant, but only directed that the 400*l.* should be deducted from the amount to be recovered. Appeals against the said Deeree. *Signed* by Petitioner. *Countersigned* Jo. Hawks, G. F. Ireton. L. J., XVI. 607. [At the Hearing on 9 April the *Solicitor-General* and *Mr. Pooley* were heard for Appellant, and *Sir Thomas Powys* and *Sir Bartholomew Shore* for Respondents. Consideration of the Cause was adjourned to 14 April on which day the House was informed that the parties were agreed. On 15 April the Appeal was dismissed. MS. Min. L. J., XVI. 653.]

Annexed:—

- (a) 26 Feb. Petition of Appellant for liberty to attend the House to prosecute his Appeal, he being in custody in the Fleet prison. *Endorsed* as read this day. Directions given to search what has been done in like cases. On 27 Feb. Hallett and Kendall's case was read out of the Book (15 April 1675) and leave was given to Col. Tidcomb to attend with his keeper. MS. Min.
- (b) 4 March. Petition of James Boddington, Esq., and John Cholinley, Gent., praying for three days further to put in their Answer. *Endorsed* as read this day. *Ordered* that three days longer be given. MS. Min.
- (c) 8 March. Answer of Respondents. Boddington contracted to clothe Appellant's regiment and three other regiments and carried out the contract. Appellant was to be personally liable in case the off-reckonings of the year for which the regiment was to be clothed had been anticipated or fell short so as to deprive Respondent of satisfaction for his debt, and for that reason the Colonel signed an absolute contract at the same time as the assignment of the off-reckonings according to custom. On going to Lord Ranelagh's office Boddington found that the

whole of the off-reckonings for 1696 had been assigned to some other person, of which assignment he never had notice or he would never have taken the contract. Cholmley is not concerned his name being only used in trust for Boddington. The goods were supplied at a rate cheaper by 20 per cent. than those supplied by others in the same trade and no arrangement such as that suggested in the Appeal was made. The clothing for 1697 was done by Pauncefort and Moyer and they received all the off-reckonings for that year with the exception of 400*l.*, which is all that Respondent has received. The custom in the army is for 2*d.* a day to be deducted from the pay of each soldier (except officers' servants) by the Colonel, and the Colonel has to take care that more is not spent upon clothing in the year than will be covered by the sum so deducted, or, if more is spent in a year, it is for him to save something in another year in order to make up the amount, failing this he is personally liable to the clothier. The regiment having gone to Ireland and Respondent having no other remedy caused Col. Tidcomb to be arrested. The Decree appealed against is just and equitable. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* Wm. Cowper. *Endorsed* as brought in this day.

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No. 1578.

(*d*) 20 March. Petition of Respondents praying for a short day for the Hearing. *Endorsed* as read this day. L. J., XVI. 629.

1579. Feb. 26. Box's Divorce Act.—Amended Draft of an Act to dissolve the marriage of Ralph Box with Elizabeth Eyre, and to enable him to marry again. The amendments in the Lords, besides a verbal amendment, were to introduce the clause giving the wife 100*l.* a year (Annex (*d*)), and the consequential words excepting the assignment of the lease of the premises in Saint Mary Colechurch in the clause barring her from any claim on her late husband's property (Annex (*c*)). There were no amendments in the Commons. [Read 1<sup>a</sup> this day. L. J., XVI. 608. On 2 April 1701, in C. W. H., E. Nottingham in the Chair, the Bill was read through. The title was read. House was resumed. A debate arose whether this Bill should not be proceeded on until it has been committed 14 days. The Standing Order read. *Ordered* to proceed to-morrow. MS. Min. On 3 April, in C. W. H. as before, the preamble read and agreed. The sentence of Divorce read, under the seal of the Office. The Judgment given in the King's Bench against Wells for the adultery was read. Then the 1st enacting clause was read and agreed. MS. Min. On 9 April in C. W. H., the Bishop of Salisbury in the Chair, the second enacting clause was agreed. The third enacting clause read, as to his being seised of any estate of a wife he shall marry. A verbal amendment was made and the Bill was agreed to the end. A clause offered and read, for paying Mrs. Box 300*l.* [3,000*l.*] out of Mr. Box's estate (Annex (*b*)). *Mr. Sloane*, for Mr. Box: We are agreed, and are willing the clause stand. *Mr. Shcrard*, Mrs. Box's trustee, declares he agrees also for her to the clause offered. *Proposed* to agree to the clause, and no interest to be paid until the 300[0]*l.* becomes due. First sheet of clause offered. An amendment made. *On Question*: the clause was agreed to. The exception (Annex (*e*)) agreed. The title agreed. Report to be made to-morrow. MS. Min. On 10 April, on Report, the clause giving Mrs. Box 3,000*l.* was, *On Question*, disagreed to, Contents 13, Not Contents 17: Tellers, E. Warrington, E. Stamford. Leave was given to dissent. The Bill was re-committed to C. W. H.,



- 1700-1701. and the House was put into Committee, the Bishop of Salisbury in the Chair. *Moved* that a clause be added for 100*l.* per annum alimony for her life. *Agreed to.* *On Question?* Contents 25, Not Contents 18. A clause for that purpose was offered and agreed (Annex (d)). House resumed. *Proposed* to adjourn the House. *On Question:* Whether this Report shall be made to-morrow and Lords summoned to attend? *Resolved* in the negative. Contents 14, Not Contents 23. Then the new clause was reported, as in L. J., XVI. 648. MS. Min. On 11 April a Petition of Elizabeth Box, the wife of Ralph Box, citizen and grocer of London, for the 3,000*l.* agreed on (Annex (g)) was read and rejected. The Bill was read 3<sup>a</sup> and passed. MS. Min. L. J., XVI. 649. The Bill received the Royal Assent on 12 June. L. J., XVI. 739. 13 Will. III. c. 27 in Long Cal.]

Annexed :—

(a) 19 Feb. Petition of Ralph Box, citizen and grocer of London. Petitioner having certain proof that his wife committed adultery with Henry Wells, Esq. The adultery was fully proved last Michaelmas term in the Court of King's Bench, and having this last Hilary term obtained a Definitive Sentence in the Arches Court of Canterbury, prays leave to bring in a Bill to dissolve the marriage between him and his late wife Elizabeth Eyre, and to give liberty for him to marry again. *Signed* Ralph Box. *Endorsed* as read on 18 Feb. and allowed.\*

(b) 9 April 1701. Amended† Draft of a Clause marked A, offered this day, as follows: And whereas the said Ralph Box had and received the sum of 4,000*l.* for the marriage portion of the said Elizabeth Box. Be it further enacted by the authority aforesaid That the said Ralph Box, his heirs, executors, or administrators, on or before 29 Sept. 1702, shall return, pay, or cause to be paid unto the said Elizabeth Box, her executors or administrators, the sum of 3,000*l.* of lawful money of England, with interest for the same after the rate of 5*l.* for each 100*l.* for a year [to be computed from 1st April 1701], *for so long time as the said 3,000*l.* shall be unpaid after the said 29th day of September*; and that Joseph Sherwood, of New Inn, in the county of Middlesex, Gent., who, by virtue of an assignment, (&c., as in Act, in the clause giving Mrs. Box 100*l.* a year, down to the words, In trust for and towards securing the paying) the said 3,000*l.* and interest as aforesaid to the said Elizabeth Box, her executors or assigns, upon the said 29 Sept. 1702; and upon this further trust that, if default shall happen to be made in payment of the said 3,000*l.* at the time aforesaid, that then he, the said Joseph Sherwood, his executors, administrators or assigns, shall, by sale, mortgage, or some other disposal of the said messuage and premises, raise the said sum of 3,000*l.*, or so much thereof as can thereby be raised, and interest for the same after the rate of 5*l.* per cent. per ann. from the said [1st April 1701] *29th day of September 1702* till payment thereof, and pay the said 3,000*l.* and interest, or so much thereof as can be raised, to the said Elizabeth Box, her executors or assigns; And from and after and subject to the payment of the said 3,000*l.* and interest as aforesaid, in trust for the said Ralph Box, his executors and administrators. [*Agreed* to this day in

\* This Petition was read on 19 Feb. MS. Min. L.J., XVI, 602.

† Additions in italics, omissions in square brackets.

- C. W. H., with the substitution of the words in italics for those in square brackets. *Disagreed to* by the House on Report on 10 April, and omitted in favour of the clause in the Act giving Mrs. Box 100*l.* a year. *See Notes to first paper.* 1700--1701.  
No. 1579.
- (c) 9 April. Draft, marked B, of the words in the Act excepting the assignment of the lease of the premises in the parish of Saint Mary Colechurch, in the clause barring Mrs. Box from any claim on her late husband's property. [*Agreed to* in C. W. H. this day. *See Notes to first paper.*]
- (d) 10 April. Draft Clause, marked A, being the clause in the Act giving Mrs. Box 100*l.* a year, down to the words, and that Joseph Sherwood, of New Inn, in the county of Middlesex, Gent., then the words in Annex (b), which are there stated to be as in the Act, are marked to be inserted; and after the words, in trust for and towards securing the paying, the words, the said annual rent of 100*l.* on the days aforesaid, are interlined on Annex (b) for insertion, and then, in this Annex, follow the words, and that it shall be lawful for the said Elizabeth Box, &c., down to the end of the clause in the Act. [*Agreed to* this day in C. W. H., on re-commitment, in substitution for the clause giving Mrs. Box 3,000*l.* *See Notes to first paper.*]
- (e) 10 April. Paper of amendments made in C. W. H. and reported this day. L. J., XVI. 648.
- (f) 10 April. Fair copy of the Bill, as amended in C. W. H. *Ordered* to be engrossed this day. L. J., XVI. 648.
- (g) 11 April. Petition of Elizabeth Box, the wife of Ralph Box, citizen and druggist of London. Petitioner had several things to offer against the Bill, and did not doubt, but that she should give satisfaction to the House that there was no reason for this extraordinary Bill. Her husband received 4,000*l.* for her marriage portion, and agreed with her that, if she would not oppose the passing of the Bill, he would consent to such a clause as her Counsel would advise for the repayment of 3,000*l.* within a year and a half after the Bill should pass, with interest at 5 per cent.; and Petitioner, relying on such agreement, did not petition to be heard by Counsel before the Second Reading. Prays to be heard against the Bill, and that she may prove the agreement before the Third Reading. *Signed* E. Box. *Endorsed* as read this day and rejected. L. J., XVI. 649.

1580. Feb. 28. Writ of Summons (D. Southampton).—Writ of Summons to Charles, D. Southampton. *Dated* 28 Dec. 1700. [Took the Oaths this day. L. J., XVI. 610.]

1581. Feb. 23. Kirkby v. Ormsby.—Petition and Appeal of Temperance Kirkby, spinster, executrix of Dame Jane Ormsby, relict of Sir Edward Ormsby, Knight. On the marriage of Sir Edward in 1662, his father, Robert Ormsby, Esq., in consideration of a marriage portion of 3,500*l.*, settled lands in Limerick upon him and his wife with remainder to his brother Gilbert. Sir Edward becoming infirm, Gilbert managed the estate for him, and in 1678 let most of the jointure land to Thady Quin, an Irish Papist, who covenanted to make great improvements on it. Part of the agreement was that in case of war Quin might surrender the land and then cease to pay rent. On Sir Edward's death in 1684 Lady Ormsby expected to have the full benefit of her remaining jointure, but Gilbert greatly obstructed it until she, in order to save trouble, gave him a lease of the jointure lands at the rent



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of 300*l.* a year, taking a bond from him for 1,000*l.* for performance of the covenant. He paid the rent till 1688, but from that year till 1691 when she died he refused to pay. Appellant, as executrix, got John Lowther, Esq., one of the Commissioners of the Revenue, to demand the rent due from Gilbert Ormsby. It was agreed between them to refer the matter to Robert Rochford, now Attorney-General, and Sir Richard Levinge, then Solicitor-General, who proposed that Gilbert Ormsby should pay Appellant 150*l.* for the rent due in November 1688, and that Appellant should distrain on the lands for the rest. Gilbert Ormsby not complying with this proposal, Appellant sued him for the rent, but ever since 1692 has been kept out by Privilege of Parliament and by an action in the Court of Chancery in Ireland. Respondent exhibited his Bill in the Court of Exchequer there against Appellant, suggesting that, on the troubles breaking out in Ireland in 1688, he was forced to fly to England; that he and Lady Ormsby were attainted and a writ issued to enquire into their estates; that Plumer, one of his tenants, was utterly ruined and that Quin's rent due in November 1688 was levied by King James's collectors.

Appellant believes that the county of Limerick was in a quiet condition till July 1690 and that the troubles there were only from that time till October 1691, and that Quin, being a Papist was unmolested; and this appears from the proceedings in the Court of Exchequer. Moreover there is no proof that Quin offered to surrender the land, which was the condition of his being exempted from rent in time of war, or that Ormsby made him any allowances during Lady Ormsby's life. Ormsby got the Cause heard at the same time as another Cause in which Quin prayed to be relieved against arrears claimed by Ormsby and to oblige the latter to execute a lease for 1,000 years. The Court of Exchequer decreed that Ormsby should pay Appellant 150*l.* and costs, that the lease and bond should be delivered up, that there should be an entire abatement in both cases of all arrears from All Saints 1688 to the death of Lady Ormsby, and that Quin should have his lease. Appeals against this Decree. *Signed* by Appellant. *Countersigned* Ja. Mountague, Wm. Attwood. L. J., XVI. 610. [The Cause was heard on 6 May 1701, *Sir Thomas Powys* is heard for Appellant. They propose to read an Order which is opposed by the other side. It was read. [*Sir T. Powys*]: This is an irregular and erroneous Decree we desire [it] may be reversed. *Mr. Montagu* heard for the Respondent. *Proposed* to read the Decree, which is opposed. The Decree is read. *Counsel* withdraw upon this point, whether Kirkby's rent was rightly put into the Decree. The proofs read in the Cause were not between the Appellant or Respondent or between Ormsby or Quin. To this, Orders of the Chancery were read. The depositions in Quin's Cause were used in the others. She [Appellant] should have brought Quin's case before the Court. *Proposed* to call in the Counsel, and the Lord Keeper to acquaint them with the difficulty that arises concerning the proceedings in Ireland, and adjourn the further consideration of this matter until another time. Counsel are called in and the *Lord Keeper* tells them that their Lordships are under some difficulty in this matter: If you proceed you must make use of the depositions in Quin's Cause, otherwise you have nothing to justify the reversal of the Decree against the Appellant, and, in case you do make use of those depositions, being used in Ireland by consent of the Appellant at the Hearing of this Cause, the Lords are in doubt whether that has not so united the Causes as that you ought to have brought Quin before the Lords as well as the now Respondent. *See* L. J., XVI. 669. On 23 June the House was moved to withdraw the Appeal, the parties

having agreed the matter in difference between them. *Ordered* 1700-1701.  
accordingly. MS. Min.]

Annexed :—

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No. 1581.

(a) 17 April 1701. Answer of Gilbert Ormsby. The marriage portion of Lady Ormsby was 2,500*l.* and only 800*l.* of it was received. The land settled on the marriage was not nearly of the value represented in the Petition of Appeal. The agreement with Quin was made at the earnest solicitation of Sir Edward and Lady Ormsby. By this agreement Respondent agreed to let to Quin part of the jointure land and other land to which Sir Edward had no right. The rent reserved of the whole was not more than 230*l.* a year and the lease was to be for 1,000 years. The unsold jointure land is of less value than that stated. Denies that he obstructed Lady Ormsby from having the full benefit of her jointure or that anyone, except that lady, was a gainer by the lease. *Signed* by Respondent. *Countersigned* James Sloan. *Endorsed* as brought in this day.

1582. Feb. 28. Jermyn's Estate Act.—Amended Draft of an Act to enable Stephen Jermyn to make provision for his younger children, and for the advancement of his eldest son. The principal amendments, made in the Select Committee, were to leave out words excepting the eldest son of Stephen Jermyn from participation in the sum of 3,750*l.* which was to be divided among the children, and to insert the words giving to the other children the share of any child dying before 21 or marriage and before the division of that sum (Annex (c)). The other amendments were of a drafting character. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 12 June 1701. L. J., XVI. 610, 738. 13 Will. III. c. 17 in Long Cal. See Com. Book March 18, 27.]

Annexed :—

(a) 27 Feb. Petition of Stephen Jermyn and Margaretta Maria, his wife, Mary Hobby, widow, William Ivatt and Nathaniel Lacey. In 1682 a marriage was arranged between Stephen Jermyn and Margaretta Maria, an orphan of the city of London. She received a portion of 5,800*l.* in the Chamber of London, and it was agreed that 800*l.* of that sum was to be paid to Stephen after he had entailed an estate in Sussex, worth 350*l.* a year, on the issue male of the marriage, with a life rent to himself and his wife, with a provision that, failing issue male, property not exceeding 400*l.* a year should be vested in trustees for 21 years, to raise money for the maintenance and provisions of the younger daughters; and Stephen was, within two years after marriage, to purchase property in fee simple worth 250*l.* a year, and convey it to Mary Hobby and William Ivatt for that purpose. The 800*l.* was paid and the marriage took place. The Sussex estate was settled and the purchase agreed on; but, before the arrangements were completed, the Chamber of London became insolvent. Stephen was therefore forced to waive the purchase, as he could not receive the 5,000*l.* By the Act for the relief of the orphans of London 4 per cent. interest was provided on the money due to the orphans out of a perpetual fund towards the discharge of these debts. Stephen cannot, without the 5,000*l.*, make provision for his younger children or settle a jointure, without prejudice to his eldest son John, an infant under sixteen. He has preferred Mary, one of his children, to Henry Wolstenholme,



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Gent., with a marriage portion of 1,000*l.*, agreed to be repaid out of the moneys in the Chamber of London. Pray leave to bring in a Bill for the repayment of the 1,000*l.* and the settling of the rest of the 5,000*l.* on Stephen and his younger children. *Signed* by all the Petitioners. [Read this day and leave given. L. J., XVI. 609.]

(b) 27 March 1701. Paper of amendments, made in Select Committee this day. The effect of them is given in the principal paper. Com. Book.

(c) 27 March. Draft Clause, marked A, giving to the other children the share in the 3,750*l.* of any child dying before the age of 21 or marriage, and before the division of that sum. [Added by the Select Committee this day. Com. Book.]

1583. Feb. 27. Newfoundland Expedition—(Petition of John Norris).—Petitioner is suspended by his Majesty's command from his employment, pursuant to an Address of the House of Lords. He is sensible of his misfortune in lying under the displeasure of the House, and prays that he may be restored to their Lordships' favour in order to serve the King and Kingdom in such a station as his Majesty may think most proper.\* [Read this day, when Captain Norris and Captain Desborow were ordered to attend the House on March 4 and to bring such witnesses as they thought fit. L. J., XVI. 609.]

On 4 March *Moved* that Captain Norris be called in and asked what he has to say for himself to induce the House to take off his suspension? Captain Norris was then called in and asked the above question by the Lord Keeper. He was heard. [*Norris*]: I had orders to act in all things as [the] Council of War should agree on. I called such Council and acted as they agreed and I hope I have done my duty as I ought. I was ready and willing to fight. He withdrew. The Address [of] 17 April 1699 read out of the Journal. *Agreed* to call in Captain Norris and Captain Desborow, and ask him [*Norris*], (1), why he did not go out to attack Ponti [*Pointis*] when he had such an opportunity? (2) whether his ship was pestered with prize goods that made him incapable to fight? The two captains were then called in. In answer to the first question *Norris* said, I have the Councils of War which were of another opinion. In answer to the second question he replied, I have the officers here who belong to the ship who are ready to swear that

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\* Captain Desborow's case was inquired into at some length by a Select Committee of the House of Lords in March 1698-9. See House of Lords MSS. Vol. III. (New Series), No. 1378 and No. 1448. The details of the Affair were also touched upon in the Introduction to the same Volume, pp. xxxi-xxxiii. There seems little new in the evidence brought before the House on this occasion. Norris explained that, although personally anxious to attack the French squadron, he did not go out of St. John's because he had been instructed to be guided by the opinion of the Council of War. The Council, which was composed of both naval and military officers, decided that the fleet should stay in harbour. Cranby, one of Norris's witnesses, informed the House that the military officers were responsible for this decision, because they believed that the French ships belonged to Nesmond's squadron, which was supposed to outnumber the English vessels. No answer was given to the somewhat pertinent question, "How came the land officers to be judges?" Evidence was given to prove that the ships were clear and ready for action. Norris informed the House that Desborow was tried by Court Martial because he had taken 3 days to bring news to St. John's of the whereabouts of the French ships. As a result of this inquiry the House, probably considering that Norris had acted within the letter of his instructions and had been sufficiently punished by 2 years' suspension, decided to address the King to reinstate him in his command. Twelve Lords protested against this Resolution. See *Protests of the Lords from 1624-1874*, edited by James Thorold Rogers, Vol. I., p. 144.

the ship was not pestered with goods, but was fit for fighting. Norris's witnesses were then called in. *Desborow* then objected to the captains, who took part in the expedition, giving evidence. *Norris* explained that some of these captains present had no share in the taking of prizes. A Captain proposed to be sworn. *Captain Desborow* opposes it. The parties and their witnesses then withdrew, and it was proposed to ask Captain Norris what he called this gentleman for? Norris and Desborow were then called in alone, and the former was told that he might call in his witnesses one by one, and that he must inform the House upon what points he is calling them. He calls Captain Cranby as to the condition of his ship to fight. *John Cranby* (sworn) says, I was between decks, and his guns were all clear to go on service. This I am sure, there [was] not the bulk of my hat on board. There was a bale of goods divided that morning between the men. I got my ship ready in five hours for service. *Asked* why he went between decks? *A.* And [As] Capt. Norris ordered me to go on service, apprehending the French were near. Capt. Norris commanded me down. I went to wait on him. Four hours after the French appeared. I went between decks. This was 2 days before any intelligence of the French. Capt. Desborow told he might examine him. *Capt. Desborow* asks, whether they at that time, therefore, — made the division to the men? *Capt. Norris* says there was no prize goods on his ship, but by parcels and distributed in an hour or two. *Capt. Desborow* asks, what day it was that the French appeared? *He [Cranby]* says it was the 26 June that the French squadron appeared. *Capt. Norris* desires Cranby to give an account of his behaviour at the Council [of] War. *He [Cranby]* says Mr. Norris was desirous to fight; urged it by all means and was always ready and prays and desired they would be for fighting Ponté. *Capt. Desborow* asks, why they did not go to fight? [*Answer*]: Mr. Norris called a Council of War and it was carried by voices not to fight Ponté. The land officers were of opinion that it was Nesmond's squadron and would not fight them, and they could not be made [to] believe it was Ponté's squadron. *Asked* how came the land officers to be judges? *Capt. Desborow* asks, why Capt. Norris refused to fight? *Capt. Norris* says, upon his oath, he never heard Capt. Desborow say no [a] word of what he says now. [*Cranby* says]: Mr. Norris did sign for fighting at the last Council of War. We every one signed a paper. A consultation held on board read. I went to [the] sea officers by Capt. Norris's direction to desire [them] to fight. *Asked* the first time he heard the French were on the coast. *Capt. Norris* gives — account of the time they heard of the French squadron. *Asked* by — after they heard the French were on the coast, [if] all the ships were put in posture for fighting? *Cranby* says they were all put into posture for fighting; the officers had orders to get ready. *Capt. Desborow*: If there was not provision made for a boom to defend the French from us? [*Answer*]: We heard that the French squadron was coming to attack St. John's and then there was order for a boom. Nesmond was all the time in the country. *Capt. Norris* says the boom could be taken away before the ships were moving out. *Cranby* [says] the boom was stretched from side to side to 2 rocks, and the cable was 3 or 4 foot under water. Chains were put to prevent the cables cutting. We were drawn into a form of battle. *Capt. Norris* says [it was] upon belief it was Nesmond's squadron that they made that boom. When we were in a line of battle, the sails were bent. *Capt. Desborow*: I am sure those ships could not be ready to go to sea in one day's time I am sure,

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1700-1701. *Cranby*: I remember Capt. Desborow was sent out to see the ships, and he said upon his return he had not stood near the ships; he said  
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 No. 1583. he had been within 4 or 5 miles, which we took to be a fault and sent him out again. *Capt. Desborow* heard as to going out and obeying orders. (Refer to former [evidence]). *Capt Norris*: I gave the order as is usual, and he said he could not tell their force, and I sent him out again, and Ponty put out his light, and he made it 3 days before his return, and I did try him for it. *Captain Cranby* was then dismissed to go about the King's service. *Thomas Clesby* [Cleasby] (sworn) says that that night Desborow came on board he was drunk and could not receive orders, and this my Lieft. [Lieutenant] told me; this Lieft. was examined at the Court Martial. It appeared plainly to me that Desborow had broke his orders and was justly broke. The ships all the time I was at Newfoundland might be ready in 2 hours. *Capt. Norris* desires *Capt. Stapleton* may give account whether the ship was fit to fight. It was agreed to hear *Capt. Stapleton*, although Desborow objected to his being called. *Robert Stapleton* (sworn) says, the ships upon [the] first appearance of [the] French were nearly all in readiness for fighting and all cleared there; *Capt. Norris* took care to have it done. *Desborow* desires to have recourse to the Journals. [*Stapleton*]: There was but one prize opened and [it] was brought by a long boat. All the prizes had been on board. We could have been ready and cleared in 2 hours time. All the prizes were not 500 tons. *Andrew Elton* (sworn) says, I was aboard [the] *Monk* and I found her clear. I know nothing to the contrary, but that she was clear. I was aboard her when Ponty's squadron was there. [*John*] *Crofts* (sworn): I was aboard *Capt. Norris* 2 or 3 times a day. I always found his ship clear and fit for fighting. *Henry Hobbert* (sworn): The *Monk* was ready for fighting, and ready for fighting as ever I saw a ship. I have been a Lieft. [Lieutenant] several years. *Nicholas Trevanion* (sworn) says, the *Monk* was in good condition to fight when Ponty was on the coast. I was in the *Dunwich*. *William Snowball* (sworn) says, the *Monk* was clear and ready to go to sea, and as much as any ship could be. I know it very well. She was clear between decks. *William Whitehead* (sworn) says, I have been at clearing ships and I never saw any clearer than they were when the French were on the coast. I was between decks at the time Ponty was there. *Mony Penny* (sworn) says, our ship, the *Lyne*, was clear. That time [I] was daily board the *Monk*, and I saw nothing in the way. She was clear. I was between deck. *Mr. Desborow* desires *Capt. Price* may be called in. *John Price* (sworn): I was at the Admir[al] Coffee House and *Capt. Desborow* came in and told me his case. I was turned out for giving a verbal order and the other was turned out for not obeying the verbal order. *Capt. Norris's* reply. Desborow was not [recalled?]

The case was then adjourned until 6 March on which day it was proposed to leave the parties to his Majesty's favour and to adjourn without doing anything further in the matter. On 7 March a Petition of *Capt. Desborow* was read (Annex (a)) a copy of which was sent to the Admiralty. A Petition of *Captain Norris* (Annex (b)) was also read. On 8 March it was moved that an Address be made to his Majesty that the suspension which *Capt. Norris* lies under be taken off and [that he be] employed in the Navy according to his course. After a long debate it was proposed to refer the matter to a Council of War. Ultimately however the motion, as set out in the Journal, was proposed. The *Previous Question* was put and carried by 44 votes to 21: Tellers, L. Willoughby de Eresby and L. Ferrers. The

*Main Question* was then carried. MS. Min. L. J., XVI. 616. On 10 March the terms of an Address to the King for the restoration of Norris to his command and also of an Address to enable Desborow to receive the benefit of the former Address in his favour, were agreed upon. MS. Min. L. J. XVI. 617-18. On 11 March Sir David Mitchell was asked, whether Captain Desborow had been restored to his command? He informed the House that he had a bigger ship than before. MS. Min.

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No. 1583.

Annexed:—

(a) 7 March. Petition of Captain Charles Desborow. Petitioner has not yet received any redress or reparation for his sufferings as was intended by the House of Lords. He was given the command of the *Weymouth* for about 6 months which was of no benefit to him. He now has command of the *Scarborough*, a fifth rate, and several junior officers have better posts. Petitioner has been out of pay for over 3 years, and his losses in all amount to over 2,000*l*. Captain Norris has unjustly detained the shares of prizes taken in the Newfoundland Expedition to the value of more than 40,000*l*. Prays that he may continue to be employed in the Royal Navy, and that he and his men may receive their due share of prize money. *Signed* Chas. Desborow. *Endorsed* as read this day.

(b) 7 March. Petition of John Norris, Commander-in-Chief in a late voyage to Newfoundland. Petitioner is highly sensible of his misfortune in lying under the displeasure of the House. He was always in favour of putting out to sea, but thought that under his instructions he was bound to be guided by the decision of the Council of War, consisting of both sea and land officers. Prays that the House will put a favourable construction on his conduct and that he may be re-instated in the King's service. *Signed* Jno. Norris. *Endorsed* as read this day.

1584. March 3. Minshull v. Minshull.—Petition of Richard Minshull, Esq. His great uncle John Minshull, younger brother of Sir Richard Minshull, was seised in fee of lands called College Fields and other lands in Dorrington, Salop, worth 60*l*. a year. He left them by his Will to Appellant and his heirs or to his younger brother Francis, since dead without issue. John died in 1678, while Appellant was beyond seas. Peter Minshull, who pretends some relationship to John Minshull, took advantage of his absence and conspired with the other Respondents to get John Minshull, while *non compos mentis*, to execute a conveyance, which they antedated about a month, and to make another Will, which was also antedated, leaving Appellant only a portion of the property. Peter Minshull thus obtained possession of the premises and all the deeds. He did not at first set up a title to the premises, but in his letters said they were left sometimes to Anne, Appellant's mother, sometimes to his father; but he applied successfully to be allowed to farm them at 20*l*. a year. Appellant, hearing he was minded to claim them, brought his ejectment to trial, but was nonsuited, as he was prepared with evidence only as to the Will and had never heard of the conveyance. Appellant then exhibited his English Bill in Exchequer, for discovery of the Respondent's title, which was heard on 24 Feb. 1697-8, and dismissed on 5 Dec. 1699, though Appellant prayed that an issue might be directed to try Respondent's title. Appeals against the Order of the Court of Exchequer, and prays that Peter Minshull, Samuel Sherrard and Thomas and Benjamin Penlington may have a short day to answer.



- 1700-1701. *Signed* Rich. Minshull. *Countersigned* John Beresford, Rodney Fane. L. J., XVI. 611. [At the Hearing on 6 March 1701-2, *Sir Thomas Powys* and *Mr. Beresford*, for the Appellant, prayed for a trial at law on the validity of the deed of lease and release, and read depositions of Anne Minshull, John Browne, Tho. Bayly and Rebecca Kendricke. *Mr. Cooper* and *Mr. Phipps*, for the Respondents, said Appellant had had two years for a trial at law, and read several depositions. *Sir Tho. Powys* replied to the discredit of Penlington: The difference between us is that we desire a particular issue to be directed. The Decree was affirmed. MS. Min. L. J., XVII. 59.]

Annexed:—

- (a) 14 March. Petition of Richard Minshull. Although he had given notice of his Appeal to Mr. Walker, Respondent's clerk, in Court, their solicitor Thomas Husbands took out an attachment against Appellant for the costs below, and required bail through Ralph Nicolls, a bailiff, who said the Appeal was nothing to him. Prays for protection, and that Husbands and Nicols may be proceeded against for their contempt. *Signed* Rich. Minshull. [Read this day. Petitioner (sworn) said, he was not taken into custody. It was then intimated to him by the House that, if they came to him for bail, he was not to give any, and, if they arrested him, he might apply to the House again. MS. Min. No entry in L. J.]
- (b) 10 April 1701. Joint and several Answers of Peter Minshull, Samuel Sherard, Thomas Penlington and Benjamin Penlington. The Court of Exchequer gave Appellant two opportunities of having a trial at law, which he neglected without giving any excuse. The Order appealed from is just. Pray to be dismissed with their costs of the Appeal. *Signed* by all the Respondents. *Countersigned* William Ettricke. *Endorsed* as brought in this day.
- (c) 16 Feb. 1701-2. Motion paper for appointment of a day for the Hearing in a week or ten days' time. The Appellant never has stirred in the matter, nor will he stir in it; his end is only to cause delay. *Endorsed* as read this day. [Entered in L. J., XVII. 35 as a Petition.]

1585. March 3. L. Osborne's Privilege (Hodder and Gerling).—Paper containing the names of John Clayton, plaintiff, Jacob Brand, officer, William Pickerin, attorney. *Endorsed* Hodder's Paper, delivered upon being sworn at the Bar. Lord Osborne, 3 March 1700. See L. J., XVI. 612. [House moved this day to take notice of a breach of Privilege committed against the L. Osborne by arresting his servant and steward. The witnesses were called in, *Richard Gerling* (sworn): James Hodder was arrested. He is my Lord's servant. He is secretary to my Lord. He was arrested in July last. H. Constable was plaintiff. The officer was Dan. Beverley. I see him there same week. I told the officer he was my Lord's servant. He said, I cannot acquit him. My Lord Marquess was not well when he was in custody. *Tho. Royley*: I was at the house, and I told the officer he was my Lord's servant. He said he could not acquit him. *Ordered* that Constable and Beverley be attached. The House was informed that L. Osborne's steward was arrested. Witnesses called. *James Hodder* (sworn): I know Richard Gerling to be my Lord's servant, and my Lord had a great service from [him], and was going to Sheerness. He is clerk of his kitchen and steward. It was at the suit of John Clayton, Jacob Broad arresting him. I acquainted

Broad he was my Lord's servant. He would not discharge him. *John Winkles* (sworn): He was arrested by Jacob Broad. He was arrested 19 Sept. He kept him in custody two months. Gerling lived in my Lord's family. Wm. Pickenham [Pickerin] was attorney. *John Gerling* says he knows him to be my Lord's servant. He was steward and clerk of the kitchen. *Ordered* that John Clayton, Jacob Broad and William Pickerin, attorney, be attached. Pickerin and Clayton were discharged on 8 March, on L. Osborne's motion, and Broad on 31 May following. MS. Min. L. J., XVI. 612, 617, 715.]

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No. 1585.

Annexed:—

- (a) 3 March. Memorandum that James Hodder, secretary to M. Carmarthen, was arrested by Daniel Beverley, serjt., and John Kempt, yeoman, both belonging to Wood Street Compter, at the suit of Henry Constable, shopkeeper, of Penthurst, near Tunbridge. Mr. Tilden, attorney. *Dated* 17 July 1700. *Endorsed* Richard Gerling's paper, delivered upon his being sworn at the Bar. L. Osborne. 3 March 1700. [Gerling was examined at the Bar this day. *See* Notes above.]
- (b) 3 March. Paper containing the names of the five witnesses examined this day, marked as sworn, together with those of the persons arrested and those concerned in the arrest. *Noted* 3 March, jur. for L. Osborne.
- (c) 3 March. Letter from John Clayton to Mr. Walker, at the Parliament Office, in the Old Palace Yard, Westminster. Being informed of the motion this day against him for the arrest, he takes this mode of acquainting the House how his case stands, as he is too ill to stir out of his chamber. Last long vacation he ordered Gerling, who owed him money, to be arrested. He did not know that he was L. Carmarthen's servant, and was informed that he was a housekeeper in the Pall Mall. After Gerling was arrested, he turned himself over to the Fleet Prison, and, being a prisoner at large, he brought the writer a letter from L. Carmarthen on 14 Nov., requiring his discharge, which the writer ordered the next day, so he hoped he should hear no more of it. *Dated* this day.

1586. March 3. Atkyns's Estate Act.—Amended Draft of an Act for the vesting and settling certain manors and lands in South Pickenham and other places in the county of Norfolk in trustees, to be sold, and for laying out the moneys arising by sale thereof in the purchase of other [manors and] lands, to be settled to such and the same uses as the said manors and lands so to be vested are and stand settled. The Lords' amendments made in Select Committee, were to leave out the words above in square brackets, and to insert the names of the trustees throughout the Bill. There were no amendments in the Commons. [Read 1<sup>st</sup> this day. Royal Assent 12 June 1701. L. J., XVI. 612, 738. 13 Will. III. c. 18 in Long Cal.]

Annexed:—

- (a) 28 Feb. Petition of Richard Atkyns, Esq., son and heir of Sir Edwd. Atkyns, Knt., Serjt.-at-Law, deceased, and Mary, the wife of the said Richard Atkyns, daughter and heir of Sir Thomas Kinsey, Knt., also deceased. On the marriage of Petitioners certain manors and lands in South Pickenham, &c., in Norfolk, were entailed by Sir Edward Atkyns on their issue male, with life rent first to himself and then to Petitioner Richard, and, failing issue male, vested in trustees for raising portions



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for any daughters; and there was power to the Petitioner to substitute other lands of equal value, with consent of his wife, Sir Edward Atkyns, Sir Thomas Kinsey, Sir Thomas Rawlinson, Knt., Martin Folkes, Esq., and Richard Taylor, Esq., or any four of them. The lands in South Piekenham being remote from his other estates, Petitioner wishes to sell them and buy other lands, but cannot get the requisite consent, as there are no longer four trustees living. Pray leave to bring in a Bill for that purpose. *Signed* Rich. Atkyns. *Endorsed* as read this day. L. J., XVI. 610.

(b) 22 March. Paper of amendments made in the Select Committee this day. Com. Book.

1587. March 3. E. Stamford's Privilege (Wakelin).—Affidavit of Samuel Isaac [Izacke]. The Earl of Stamford some time before 1697 obtained a Decree in Chancery against Mr. Edm. Gibbon for the sum of 5,065*l.* 15*s.* 5*d.* In Nov. 1697 he obtained a sequestration of the real and personal estate of the said Mr. Gibbon for the non-payment of the money. Commissioners of sequestration, on behalf of E. Stamford, took possession of two farms in Devonshire. The tenants attorned tenants and paid part of their rents to the Sequestrator's use. In Jan. 1699 one Mr. Davenport, an ironmonger in the city of London, who pretends to be a judgment creditor of Mr. Gibbon, unknown to the Earl, delivered declarations in ejectment. He obtained judgment and took out execution, and the sheriff turned the tenants out of possession in June last. These proceedings, being in time of the Earl's Privilege of Parliament, are a breach of his Privilege. *Noted* as sworn at the Bar by Samuel Isaac this day. *Signed* Sam. Izacke. [This day the House was informed of a breach of Privilege committed against E. Stamford. *Saml. Isaac* (sworn). A paper was read and the witness called in and sworn at the Bar, and the L. Keeper asked him what he knew of this matter? *He says* he was a commissioner of sequestration for E. Stamford against one Gibbon's estate, and the tenants attorned to me for the Earl, and since Mr. Davenport has turned out the tenants. The ejectments were executed in June last. *Ordered* that Davenport be attached. MS. Min. L. J., XVI. 611.]

1588. March 4. Writ of Summons (E. Tankerville).—Writ of Summons to Ford, E. Tankerville, Custod. Privati Sigilli. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 613.]

1589. March 4. L. Osborne's Privilege (Harris, *London Post*).—Copy of *The London Post with Intelligence, Foreign and Domestic*, for February, No. 270 (G), From Monday Feb. 24 to Wednesday Feb. 26, 1700. London, printed by Benj. Harris, next the Golden Boar's Head, against the Cross-Keys-Inn, in Grace-church-street, contains the following passage on second page, "I am told that the *Peregrine Galley*, (which was lately built by the direction of the Right Honourable the Marquis of Carmarthen), is to put to sea on Thursday next, in order to sail towards the French coast, to view what ships of war they have in their harbours, and to learn, if possible, if they were to put to sea, and when, and to make report above as soon as possible." *Endorsed* 4 March 1700. [This day the House was informed that there are some words in the *Postman* that may be prejudicial to the L. Osborne, which words be read. *Ordered* that Benjamin Harris do attend this House on Thursday. On 7 March the House was informed that Benjamin

*Harris* was at the door, as summoned, who wrote the *Postman* and mentioned my Lord Carmarthen's name and the *Peregrine Yacht*, 26 Feb. Called in. Was asked why he put it into his print? 1700-1701.  
 A. Mr. James Coningham brought it to me. He lives in Bucklersbury, at Painter's Coffee House. I know nothing more of it. Ordered —  
 that Coningham and Harris do attend on Monday. See Annex (a). No. 1589.  
 MS. Min. March 4, 7. L. J., XVI. 613, 615. No further proceedings recorded.]

Annexed :—

(a) 7 March. Order for attendance of Coningham and Harris, as follows :—This day Benjamin Harris was heard at the Bar, as to his printing some things in the *Postman* reflecting on the L. Osborne, which are false; he says he only printed it, and that it was brought to him by Mr. James Coningham, his writer. Ordered by, &c., as in L. J. XVI. 615.

1590. March 4. *Cornewall v. Williams*.—Petition and Appeal of Henry Cornewall, Esq. Richard Williams was seised in fee of lands in Brecon, Radnor and Hereford. He devised to his wife an annuity of 250*l.* in lieu of her dower and the rest of his estate to his brother Thomas. After Richard Williams's death without issue, his brother settled an annuity of 330*l.* on his own wife Elizabeth, in consideration of her portion of 3,000*l.*, and entailed the remainder on his heirs male; failing whom he made a provision of 3,000*l.* for an only daughter when of age and meantime 150*l.* a year for her maintenance. By his Will in 1697 he charged his debts on his personal estate and, if that were not sufficient, on his real estate, the rest of which was to be sold. He appointed Dr. David Williams his executor, leaving the estate to his sons in tail male with remainder to Henry Williams. He soon after died, leaving only an infant daughter Elizabeth Williams. The executor, Dr. Williams, agreed with Petitioner to sell the property to him for 4,500*l.*, and 200*l.* more for the household goods and stock. The latter paid 1,029*l.* 3*s.* 4*d.* due to one Oades upon a mortgage, and 300*l.* to the executor in part payment. The transfer of the premises being opposed by Elizabeth Williams, the widow, and Elizabeth, the infant, who claimed to be heiress to the estate under her father's Will. Petitioner exhibited a Bill in Chancery against them and the trustees, alleging that the whole real estate was swallowed up by the debts charged upon it. Another suit was brought by Elizabeth, John Page, D.D., who had married Richard Williams's widow, and Marmaduke Gwynne, Esq., and others, creditors of Richard and Thomas Williams, against Petitioner and David Williams, and Elizabeth Williams, the widow, and Elizabeth Williams, the infant; and on 8 June last the Lord Keeper decreed that Petitioner should reconvey the premises to Dr. Williams instead of decreeing that the creditors should be paid out of the purchase money. Appeals against the said Decree, and prays that Dr. David Williams, Henry Williams, Elizabeth Williams, the widow, Elizabeth Williams, the infant, John Page and Marmaduke Gwynne be ordered to answer. Signed by Petitioner. Countersigned Wm. Whitelocke, Sim. Harcourt. L. J., XVI. 613. [At the Hearing on 12 April 1701 *Sir William Whitelocke* and *Mr. Harcourt* were heard for Appellant. *Sir Thomas Powys* and *Mr. Peoley*, for Respondent, admitted Cornewall had the same interest as Dr. Williams, but urged that the point in question was on the words of the Will, and that the Decree expressed the opinion of the Lord Keeper, the Master of the Rolls and several Judges. *Sir William Whitelocke*, in reply: The question is



- 1700-1701. whether any man that had a power to sell shall be over-ruled by a Court of Equity; no man can deny but Dr. Williams might sell. The  
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 No. 1590. Deeree appealed from was affirmed. MS. Min. L. J., XVI. 650.]

Annexed:—

- (a) 25 March 1701. Answer of Elizabeth Williams, Respondent, an infant of about 4 years of age, by Ursula Taylor, her guardian. She is the only daughter, heir and devisee of Thomas Williams. Her father's estate was worth 850*l.* a year. The Decree complained of was made by the Lord Keeper, assisted by the Master of the Rolls, Mr. Justice Powell and Mr. Justice Bleneowe on 8 July. Chief Justice Treby, to whom a case was delivered, concurred to the effect that there was an estate tail to which Respondent was entitled. Prays that the Appeal may be dismissed with costs. *Signed* Ursula Taylor. *Countersigned* Richard Buckby. *Endorsed* as brought in this day.
- (b) 3 April. Petition of Col. Henry Cornewall, the Appellant, praying that the Hearing, appointed for 7 April, may be put off till the end of the month, one of his Counsel, Sir William Whitelocke, being in the country indisposed at present, and the other, Mr. Simon Harcourt, being gone on circuit. L. J., XVI. 643.

1591. March 4. Countess of Anglesey's Separation Act.—Amended\* Draft of an Act for separating James, Earl of Anglesey, from Katherine, Countess of Anglesey, his wife, for the cruelty of the said Earl. In most humble manner shews and complains unto your Most Excellent Majesty your obedient subject Katherine, Countess of Anglesey, wife of the Right Honourable James, Earl of Anglesey, that she was, *in October one thousand six hundred and ninety-nine* married to the said Earl, and brought him as her portion the sum of [eighteen thousand] *sixteen thousand and five hundred* pounds, besides jewels [of the value of three thousand pounds and more], and cohabited with him till very lately, and behaved herself towards him as an affectionate and dutiful wife; notwithstanding which, the said Earl, the greatest part of the time since her said marriage, without any just provocation, used her most cruelly by beating [threatening, confining and refusing her necessaries, and did otherwise unnaturally and brutishly abuse] her, insomuch that she was continually in fear and danger of her life, and durst not continue to remain longer with him, but for the safety of her life [and the quiet of her conscience] was necessitated to depart, and did depart, and has for near the space of a month lived concealed from the said Earl who, as she verily believes in her conscience, is become so implacable towards her that, if she should be again in his power, she shall by his cruelty be deprived of her life. Therefore, for your said subject's relief, may it please your Majesty that it may be enacted and be it enacted, &c., that for the cruelty of the said James, Earl of Anglesey, to the said Katherine, Countess of Anglesey, his wife, and for that there can be no sufficient security for the safety of the said Katherine from the farther cruelty of the said Earl, but by a separation from him, they, the said Earl and Countess, shall from henceforth be separated, and they shall not from henceforth be obliged to bed, table or cohabit together, but it shall be lawful for each of them to live separate and apart from the other during their joint lives, notwithstanding their said marriage and that the said

\* Additions in italics, omissions in square brackets,

Countess may lawfully live where she shall think fit, separate and apart from the said Earl, and that it shall be lawful for all persons to receive and entertain her without the let, hindrance or disturbance of the said Earl, and that it shall not be lawful for the said Earl, or any by his order, to seize the person of the said Countess or any way to confine or disturb her. (Here follow two clauses marked A and B. *See* Annex (*d*) and Annex (*e*)). [And for a provision for the maintenance of the said Katherine, Countess of Anglesey, during the life of the said Earl, be it further enacted that —, being part of the estate of the said Earl, shall be and are hereby vested in the actual possession of —; and they the said —, their executors, administrators and assigns, shall be possessed of, and have, hold and enjoy, the same from henceforth for the term of 99 years, if the said James, Earl of Anglesey, and the said Countess, his wife, shall jointly so long live; In trust that they the said — and the survivor of them, and the executors, administrators and assigns of such survivor, shall pay, employ and dispose of the rents, issues and profits thereof to the proper hands of the said Countess, or as she by any writing or writings under her hand, to be attested by two or more credible witnesses, not subject to the power or control of the said Earl, shall from time to time limit, direct and appoint. And be it further enacted that the jewels [and ornaments] which were the said Countess of Anglesey's before her marriage with the said Earl, and which the said Earl has detained from her, shall be delivered forthwith by the said Earl to the said —, and they the said —, their executors and administrators, shall be possessed of the same, in trust to permit the same to be used by the said Countess, or otherwise to dispose of the same, as she shall by any writing, not subject to the control of the said Earl, direct and appoint.] (Annexes (*d*) and (*e*) are marked to be substituted for the above). And *be it enacted by the authority aforesaid* that the said Earl shall also [deliver] *restore* to the said Countess all her wearing apparel. (The clauses, marked C, D, and E (Annex (*f*) and Annex (*g*)), are to be added.) [And be it further enacted and declared that neither of them, the said Earl or Countess, may, during the joint lives of them both, marry again.]

[Presented this day. L. J., XVI. 613. On 25 Feb. the Countess presented a Petition for leave to bring in the Bill (Annex (*a*)). *Proposed* to name some Lords that may endeavour to reconcile the Earl of Anglesey and his Lady. *Moved* to adjourn the consideration of this Petition to Thursday morning next. *Agreed to.* MS. Min. L. J., XVI. 607. On 27 Feb. the Petition was read. *Moved* to give the protection of this House to the Lady, and that some Lords be desired to enter into a negotiation, in order to try how far this may be accommodated. *E. Anglesey* says, if his wife will come home, he will receive her and take care of her. *Moved* the Petition to lie on the Table. Standing Order, 7 Dec. 1699, read. *See* L. J., XVI. 482. After debate, the *Question* was put, Whether the Petition shall be rejected? The *Previous Question* was put, Whether this Question shall be now put? After further debate, *Ordered* that this debate shall be resumed on Monday next at 11 o'clock. *Moved* that E. Anglesey will name some Lords to go to his Lady, in order to an accommodation, to acquaint the Lady with what the Earl has said, that he will take [her], if she return, and take care of her. *Proposed* that E. Anglesey name some Lords to go to the Lady Anglesey to endeavour to persuade her to return to her husband, and in order thereunto to let her know that my Lord has declared he is ready to receive her, and, upon her submission and good behaviour, will treat her with

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1700-1701. kindness, and in all cases she shall be safe from any violence, and, if they cannot prevail, then to report to the House her Ladyship's reasons for giving her refusal. E. Anglesey named four Lords\* for that purpose. MS. Min. L. J., XVI. 609. On 3 March E. Rochester reported the result of his mission, and read Lady Anglesey's reasons for refusing to return to her husband. L. J., XVI. 611. *E. Anglesey* heard. *Moved* to have the Lady kept apart from Lady Dorechester three or four days. *Moved* to adjourn this debate. *Moved* that, if E. Anglesey will not waive his Privilege, leave be given to bring in a Bill for a separation, as desired in the Petition of Lady Anglesey. After debate, *Proposed* that E. Anglesey will give his word he will use no violence towards getting his Lady. *E. Anglesey* says, I will never give up any Privilege. I am not satisfied in the hands she is in. *Moved* to read Lady Anglesey's Petition. The Petition was read. The *Question* was put, Whether the Petition shall be rejected? *Resolved* in the negative. Leave to bring in the Bill was then given, *On Question*, with leave to dissent. MS. Min. L. J., XVI. 611.

On 4 March this Bill was offered. Lady Dorechester, desiring to be heard, was called in. *Desires* she may have her Bill read. She had a chair set her at the Table. *Ordered* that the First Reading be on 6 March, and Lady Anglesey to have the protection of the House. MS. Min. L. J., XVI. 613. Bill read 1<sup>st</sup> on 6 March. The Second Reading was appointed for 13 March, and Counsel, (Civil and Common Lawyers), and witnesses to be heard to make out allegations. Later on the same day *E. Anglesey* moved the House that the Countess may be put in other hands than she is in, and may be sequestered. *Moved* that the Deputy Judge of the Prerogative Court attend to-morrow. *Ordered* that the Judge, Dr. Oxenden, and Dr. Newton attend, and Counsel for Lady and Lord Anglesey, if they think fit. MS. Min. L. J., XVI. 614. On 7 March, the Order being read for Dr. Oxenden and Dr. Newton to attend; *Asked*, What are the methods of proceedings? *A.* (1) She desires a citation. (2) She brings her libel; sets forth the matter. (3) The man answers. He has witnesses. There is no such motion of sequestration. I cannot imagine what she be sequestered for. I never heard such a motion in my time. Some cases she is sequestered till answer. *Q.* If it should be desired, have you power? *A.* I cannot tell. The Judge must consider of the methods used. The Judge will be careful. If she prays [for] money, sometimes it is allowed on account, sometimes as the circumstances of the man is. *Dr. Newton* heard as to sequestration: If a case of this were before me, I should proceed. And to marriage claimed, we sequester the woman till answer. Sequestration for cruelty; we do not grant a sequestration upon the man's desire. If the woman desire it, we grant it. If the cruelties are such that the woman cannot return to her husband without danger of her life, we grant no sequestration. At the desire of the husband we do not grant a sequestration. *Dr. Oldish* heard for E. Anglesey, at his request: The question is whether, upon supposition of a lady's being perverted, a sequestration may not be desired. Upon pretence of marriage they do grant sequestrations. *Mr. King* heard for E. Anglesey also: I apply to the Bishops and Judges that a matrimonial contract is to be supported. Leave given to Lady Dorechester to be present, and a chair set for her at the Table. *The Civilians* were heard on: This lady should be in a place where she may be safe, and sequestered into such hands as will not put false insinuations into her. *Mr. Waller* heard for Lady

\* Earl of Rochester, Lord Ferrers, Lord Haversham and Lord Somers.

Anglesey : I think I need say little in this case, the Judges having declared and the other side not [having] cited instances to the contrary. If the Judge goes and sees where she is, there is no need of a sequestration in the case where matrimony is disputed. *E. Anglesey* heard. *Lady Dorchester* desiring to be heard, Counsel withdrew. *E. Anglesey* heard. *Agreed* to call in Counsel again and hear them, and that the Lady Dorchester be heard when Counsel is heard. *Ordered* that L. Keeper stop any business until Lords take their places. Counsel [called] in again, and Lady Dorchester. *Dr. Oldish* heard again. The Counsel withdrew. *The Lady Dorchester* heard, and withdrew. *E. Anglesey* moves the Lady may be put into a place of honour, or a person's of honour. *Moved* that the Lady be taken out of Mr[s]. Grues' [Gres] hands, or that Mr[s]. Grues be dismissed. *Proposed* that the four Lords say something as to the condition of the place she was in. *They say* they know [no]thing [of] where she is, but where they saw her was in an honourable house and company. *E. Anglesey* moves that, since Mrs. Grues governs her, an Order may be given that that woman may not be in her company while the Bill is depending. *Moved* Lady Dorchester be called in and told the House thinks fit Mr[s]. Grues be dismissed from her attendance on Lady Anglesey. *Agreed*. *Lady Dorchester* called in and was told by L. Keeper that she may say anything she thinks fit why Mrs. Grues may not be dismissed. *A.* I think it hard she should be taken away. She knows her constitution, and Mr[s]. Grues will know where my daughter is. My daughter is sick, and the woman is now with her. Everybody will not be with my daughter. She withdrew. House acquainted that Lady Dorchester desires a copy of the report of the four Lords that went to the Lady Anglesey. *Agreed*. *E. Anglesey* or Lady Dorchester may have a copy as desired. MS. Min. No entry in L. J.

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On 13 March the Order read for hearing Counsel upon the Bill. *Agreed*, and *Ordered* to hear the Counsel against the Bill first. *Moved* that the Countess Dorchester be admitted when Counsel heard, and a chair was set for her at the end of the Table. Counsel and Civilians called in. They were told, those against the Bill speak first. *Mr Ayliffe*, against the Bill, heard: This Bill is upon a suggestion of cruelties, and these put her in fear of her life. It is not every dispute between a man and his wife amounts to a cruelty. There must be a repetition of cruelty to make it up. These are but conjectures, or penny post letters. We shall bring plain evidence. This is an absolute separation without condition. (Counsel withdrew. House adjourned during pleasure, the King being come. House resumed.) *Mr. Ayliffe*: I admit there was a door locked; it was no act of cruelty. As to pinching, there was none. As to the neglect in her lying in, I can prove the contrary; but all tenderness was proved and expressed. *Dr. Oldish* heard for Lady [Lord]: If my Lord offers to take her again and gives security for her good usage, the cause of separation is over. A reconciliation ends it. In this case they have been together at bed and board and so all is reconciled. These are sufficient to hinder reading the Bill. *Dr. King*: I hope to see a reconciliation in this business and that there may be an heir made in the family. I hope this Bill will not pass, that is to dissolve a union between man and wife, which is contrary to God's law. By this Bill the lady may go where she pleases. There is no provision for her living chastely in the Bill. This is an extraordinary act, to take this lady out of my Lord's arms. Counsel for Lady object against the going on to falsify evidence before evidence given. Counsel withdrew. *Moved* that the Earl's Counsel go on. *Agreed* Counsel against the Bill to go on. Counsel called in and told so. Counsel for



- 1700-1701. *L. Anglesey* say all they shall prove is nothing. Counsel withdrew. *Moved* that the Lady's Counsel speak first, according to the usual manner of proceedings in all cases. *E. Anglesey* acquiesces to what House pleases. *Agreed* to send for L. C. Justice and affidavits. [Counsel called in and told that the Counsel for the Bill should proceed to make good the allegations of the Bill].\* The form of an oath read and agreed to as follows: You shall true answer make, &c. *See L. J., XVI. 621.* [*Moved* that the evidence be taken in writing.]\* Counsel called in again and told that, if *E. Anglesey's* Counsel have anything to say, they may proceed against the Bill, but not to fact; and that, if they come to fact, the Lady's Counsel may proceed. *Mr. Phipps*, Counsel for Lady Anglesey, proceeds: We had not brought a Bill, if we had been at liberty to proceed in other Courts. If cruelty be a fit object for this Bill, then we shall prove sufficient cruelty. This lady has many marks of cruelty. We shall show cruelty to the purpose. We shall show from August all along acts of cruelty until the time of her delivery; and after, to the time she went away, we can prove. Counsel withdrew. *Moved* not to let the Counsel go further back than when the legal reconciliation has been proved by bed and board. Counsel called in again, and told the Counsel for the Bill proceed. *Mr. Phipps*, *Dr. Waller* and *Mr. Beresford* heard. They call witnesses. *Elizabeth Cannon* (sworn). *E. Anglesey's* Counsel object against her being evidence. Counsel and *Civilians* heard as to this matter. Counsel withdrew. *Moved* to hear *Dr. Newton* to this matter, after a reconciliation no acts of cruelty can be allowed. *Dr. Newton* heard: This is now a new case. I take it to be in law and practice the habit of cruelty is the fact. Precedent cruelties may be set forth and proved. As to a reconciliation, in adultery lying with a wife is an absolute reconciliation. This is another matter. If the party does voluntarily and freely lie and board with her husband after the cruelty, it is a reconciliation. *Agreed* to call in Counsel, which is done. They call witnesses. *Elizabeth Cannon* (sworn): I lived with my Lord before he was married. I have heard my Lady cry out. My Lady was in her bedchamber. My Lord was with her. It was when my Lord and Lady was abed with her. My Lady told me my Lord did pinch her. I saw my Lady's breast. It seemed to be bruised. There was something under her breast, black. My Lady has been afraid of my Lord's anger. I know my Lady was locked up in her chamber at Farnboro'. She was locked up most part of the day. My Lord locked her up. He had the key. My Lady was locked up, and she cried out. I went to her. She said, Let me out, I am miscarrying. My Lord had the key. She certainly said she was miscarrying. The time I know not. It was towards the end of the summer. It was a great while before my Lady was brought a bed; it might be a month or two. I never saw my Lord strike my Lady. I have heard your Lordship speak sharply to your Lady. I have been in the chamber over your Lordship's and heard my Lady cry out. My Lady was a very innocent and good lady, and very modest. My Lady's arms [were] very black. They looked as if the skin would break. My Lady has been under great apprehensions of my Lord's coming home in an ill humour when she went to bed. I have heard her cry out in her chamber in the day time. A great while ago *Mr[s]. Grimes* [*Grues*] called me out [of] my bed to hear my Lady, how she cried. I did hear her cry. It was a great while ago. Counsel withdrew. *Proposed* that the evidence be put in writing. *Agreed to.* Counsel called in and told *Mrs. Cannon's*

\* Expunged entry.

evidencee must be transcribed\* *Thomas Jones* (sworn): In August my Lord and Lady were out in the each. My Lord took her upstairs. He tripped her up. She came down three stairs and he took her up, and, at the top of the stairs, I heard her fall again. Then in the chamber my Lady cried out, Murder! and called for several. My Lord brought her into another room without her headcloths. There I heard her cry out again. My Lady cried out, My Lord! My Lord! She cried at the same time. All the house said my Lady was a good lady. I never saw anything by my Lady but submission. Mrs. [Wingate] supped with my Lord that night. I waited at the table that night. I did hear her [Lady Anglesey] cry out. I lived with your Lordship three months. Some waited on your Lordship one day, some another. I was just behind my Lady when he tripped her up. I was going to the place we waited at. Mr[s]. Wingate was by, and can witness she saw. Never anybody spoke to me, but a paper was sent to me to attend here. On Monday Tom Porter came to me and said Mr. Cotton heard I had given evidencee against my Lord. Be sure, said he, do not give evidencee against my Lord. My Lady's woman came down and heard it with me and durst not go up to her, but went to her chamber again. *Elizabeth Berkeley* (sworn): I was my Lady's woman. It was believed by the family my Lord did beat my Lady. I heard my Lady cry out, My child! My child! and my Lady told me my Lord kicked her belly. My Lady was looked up. She stayed there till night. My Lord went out ahunting or hawking. My Lord locked her up again another time. She sent for me and told me she was in the dark and misarrying. I have seen her arms blaek. She told me my Lord did it. The Sunday night before my Lady was brought abed, my Lord asked me if the bell rang. I said I knew not. My Lord turned to my Lady and told her she should sit up, and called for wood. She sat up till near morning. Most of the wood was burnt when I came in. It was almost morning. I have seen her arm bruised, and, when almost well, bruised again. She told me my Lord did it. My Lady bid me never let any Bible or Common Prayer Book be in the room for fear my Lord should swear her on them not to confess she was beat. She was shut up and my Lady Dorchester was not suffered to come to take her leave of her. Mrs. Wingate told me my Lord, she feared, had murdered my Lady, and she could not tell how to carry her off. My Lord told me I might go. I should be paid as I behaved myself. After my Lady was delivered, she was put into bed. My Lord bid them go to the child, for my Lady would do well enough. There was no candle at one time. After there was. The reason I know not. Jones told me my Lord had beat my Lady. I heard my Lady cry out when I was above, before I came down, when she was in the damask room. She told me what I said. I heard my Lady cry out in her own chamber. Several times when my Lady was put to bed, she was in fear and trembling of the usage of my Lord. I have heard her cry out several times, and my Lady has told me in the morning my Lord beat her. The chintz room was my Lord and Lady's. I know there have been several disputes between my Lord and Lady. If I had taken notice, I could have said more. My Lady was never undutiful, but was the most submissive lady in the world. Dr. Colbatch and Dr. King were with my Lady and my Lord seemed to express a great deal of care. My Lord would have had her come

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\* The notes of the evidence, as it was taken down by the Clerk, are given verbatim. See also the depositions Annexes (b<sup>1</sup>) to (b<sup>23</sup>).



1700-1701. *Counsel* moved that the Lady Anglesey may be heard as a witness for herself, in order to prove matters done in the dark. *Counsel for E. Anglesey*: They cannot be ready with their witnesses this day and therefore desire another. *Counsel for Countess of Anglesey* oppose it, desiring their evidence may not be disclosed before their witnesses be examined, or at least the same day. *Counsel* withdrew. *Moved* to go on with the business as ordered. *Counsel* called in and ordered to proceed as ordered. The depositions of Cannon, Jones and Berkeley were read to them. *Counsel for E. Anglesey* object against the witness altering her evidence upon reading it to her. *Counsel* withdrew. *Proposed* for witnesses to proceed to have evidence corrected when read. *Counsel* called in again and told that they might go on, and that she might correct her evidence as desired, and they proceeded. The depositions of De Caron, Vaughan, Chapman, Sheppard, Cotton and Man were then read and signed. *E. Anglesey's Counsel* move to have copies of the depositions, and another day for hearing E. Anglesey's witnesses. *Counsel for Lady Anglesey* proposes to lose the benefit of Dr. King's evidence [in order] to go on. *Counsel* withdrew. *E. Anglesey* moved to have copies of depositions and time to answer, by examining his witnesses in answer to the Countess. MS. Min. *Ordered* as in L. J., XVI. 630. On 24 March Sir Edmund King, who was ordered to attend on Saturday last to have his deposition read to him, was called in and, in the presence of Mr. Sloane, *Counsel* for E. Anglesey, [it] was read to him. MS. Min. No entry in L. J.

On 25 March *Lady Anglesey's Counsel* move to alter a mistake in the evidence of Mrs. E. Berkeley. *Mrs. Berkeley* was called. Says it was "shifted" she said. Had leave to amend it. *E. Anglesey's Counsel* heard. *Mr. Ayliffe* heard for E. Anglesey and *Mr. Sloane* also. *Dr. King* was also heard. Then they went on to examine witnesses. *John Colbatch* (sworn): My Lord told me my Lady was ill. I went to her. She complained of her thigh. I saw it. It looked like a rash. My Lord with all kindness imaginable spoke to her. She complained of nothing but the swelling in her thigh and leg. *Wm. Cockburn* (sworn): I heard in the family my Lord used my Lady hardly. They go on to cross-examine him for E. Anglesey, and as to fame in this case. *Counsel* withdrew. *Proposed* that *Counsel* proceed and consider the fame afterwards. *Counsel* called in again and *L. Keeper* told them they may ask the doctor to common fame, not to hearsay. They proceed with *Dr. Cockburn*: I have heard Mr[s]. Berkeley say my Lord has used my Lady very ill. *June Greener* (sworn): My Lady was not shifted in the dark. There was a candle. Mr[s]. Berkeley went out of the room. Mr[s]. Cotton said she was as well brought abed as anyone could do. I never saw but my Lord was kind to my Lady. The child is well and thrives. My Lady lay three or four hours before she was shifted. There was a great deal of linen on my Lady before I came in. The candle was carried after I came in. *Phillips Wingate* (sworn): I was in the house ten months. She was not locked up an hour. I have heard Lady Anglesey cry out several times. My Lady Anglesey was put to bed before, an hour or more. I saw pinches on her arm. She said my Lord did it and the spot on her breast also. My Lady was locked up with the kitchen maid when my Lord went to bed. *Anne Wikey* (sworn): I never saw any ill usage of my Lord to my Lady. *Ruth Booth, Joyce Rivall, and Rebecca Cooper* (sworn) and heard. *Patrick Gray* (sworn): I never heard my Lord give my Lady a cross word. *Thomas Cotton, Giles Wardon, John James Heidegger and Thomas Porter* (sworn) and heard. *Mr. Sloane* offers two writings, a will and a deed of settlement. *Counsel* withdrew.

*Ordered* that the shorthand depositions be transcribed by Saturday, 1700-1701.  
&c., as in L. J., XVI. 634. MS. Min.

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On 29 March 1701 the depositions of Cotton, Booth, Rivall, Cooper, Cockburn, Wikey, Porter, Wingate, Greener and Colbatch were read and signed by them. *John James Heidegger's* deposition read, and he proposes to explain himself. This is opposed by *Lady's Counsel*. He had liberty to correct it and the Counsel were told they might take notice of it after, if they thought fit. Patrick Gray's deposition read and signed and an addition made to it. *Earl's Counsel* desire to hear a witness summoned last day, and [who] is now [here]. *Samuel Hewett* (sworn) and heard. *Mr. Sloane* proposes some affidavits to be read. Waived. *E. Anglesey's Counsel* proposes that the witness last heard may be put into writing, and that a day may be appointed for hearing them. *Countess' Counsel* proposes to go on now with the case. *Earl's Counsel* desire copies of the depositions read this day. Counsel withdrew. *Ordered* that copies be given to both sides; that Counsel sum up on Tuesday, all Lords summoned, and that Hewett and Heidegger attend on Monday (31st) as in L. J., XVI. 637. MS. Min. Accordingly, on 31 March, John James Heidegger, E. Anglesey's witness, was called in, and his deposition read to him in the presence of Counsel on either side and he signed it. *Ordered* that, if Hewett do not attend before the House rises, that then . . . MS. Min. L. J., XVI. 638.

On 1 April *Earl's Counsel* move that they may sum up their evidence first. *Ordered* to proceed as they gave evidence. *Dr. Waller* opens the nature of the Bill and evidence. The Bill is only a separation. He sums up the evidence. Sir Edmund King, Mrs. Cannon, a domestic of my Lord's, Mrs. Berkeley, Mrs. Caron is the next. He goes through the other depositions. Then he cites Mrs. Wingate, my Lord's witness. *Dr. Cooke* heard. He cites the allegations in the Bill. *Mr. Phipps* heard also. *Mr. Beresford* heard also for Countess. Notice being taken at some words Mr. Beresford said of the E. Anglesey in his summing up the evidence, Counsel were ordered to withdraw. *Moved* that the Counsel be kept to the merits of the Cause, without any reflection. *Ordered* that L. Keeper do reprimand Mr. Beresford. Counsel called in again and L. Keeper reprimanded him and told him he must take care for the future how he behaved himself. *Mr. Beresford* went on with his evidence. *Dr. Oldish*, for E. Anglesey: Our witnesses falsify the testimony of my Lady's witnesses in almost every particular. *Dr. King*, for the same, speaks to the depositions taken before L. C. Justice, and so went on with his evidence and the acts of kindness of my Lord to his Lady. *Counsel* proposes to go on with evidence against the affidavits taken before the L. C. Justice and to read others against them. Counsel withdrew. *Proposed* that the affidavits be not allowed to be produced, the other not having been used on this Bill. After debate, *E. Anglesey* says he will not bring new matter on the stage now. The affidavit is only to answer what they have alleged against him. *Moved* that the Lord concerned name an affidavit that is such a one as the House will hear a witness on. *Moved* that E. Anglesey's affidavit be read, as he proposes. *Proposed* that Counsel go on and mention what is in the affidavit, if they think fit. *Proposed* that E. Anglesey read what he pleases as his evidence. The *Question* was put, Whether the House shall now adjourn? *Resolved* in the negative. Then the *Question* was put, Whether the affidavits of any persons who have *not* been examined here *in this matter as witnesses vivâ voce* shall be read [to confront the testimony of the



1700-1701. same person taken here] *or not?*\* *Resolved* in the negative. Counsel called in and told that they are not to make use of any affidavits to confront any [of] the testimony of any persons that have been examined. Then *Dr. King* goes on with his evidence. *Mr. Sloane* proposes to make use of Lady Dorchester's evidence, which was not allowed. *Dr. King* goes on and sums up the evidence: My Lord, according to this Act, can have no heirs male. Here is no provision for her living chastely. This Bill ought not to be passed by any spiritual judge till all means have been used for a reconciliation. *Mr. Sloane*, for E. Anglesey: This is a case of great consequence to all, not only to this Earl, but all others. All issue is set aside. At this rate, this ought to be a public Bill. We lay all at the Lady Dorchester's door. She will be a little revenge[d]. There is nothing to support this Bill, [so] that I hope you will throw it out. *Mr. Aycliffe* was heard to sum up the Earl's evidence. Civilians and Counsel withdrew. The Order of 6 March read, (for the Second Reading), and Bill read 2<sup>a</sup>. *Moved* to commit the Bill. A debate arose, Whether this Bill shall be committed now? *E. Anglesey* desired that the debate be adjourned till to-morrow. Then the Bill was committed to C. W. H. for Saturday and Order made as to the settlements, as in L. J., XVI. 640-41. MS. Min. The Committee was twice put off. L. J., XVI. 643, 645.

On 11 April in C. W. H., V. Longueville in the Chair, the Bill was read through. The title read and postponed. The preamble read. In the preamble is mentioned 1,800*l.* [18,000*l.*] portion and the value of the jewels. (Note in margin: L. Dorchester had a chair.) *Agreed* to hear Counsel as to the 18,000*l.* and jewels. Counsel called in and told. *E. Anglesey's Counsel* say, 16,500*l.* they have had. *Countess of Anglesey's Counsel* say, principal and interest comes to 16,500*l.* and no more. *Lady Dorchester* heard: We are willing to accept of any of the securities again and give money for them to make up the 18,000*l.* Lady Dorchester offers a letter from E. Anglesey to Countess of Anglesey and a letter from the Countess in answer to it was read. *Proposed* to hear L. Keeper as to any proceedings in Chancery. *L. Keeper* says, I think it was agreed to be about 13,000*l.* *Earl's Counsel* allow that the jewels and interest to be 18,000*l.* *E. Anglesey* heard: Offers to take her again and offers several things to be done on his behalf. After this the Committee altered the sum of 18,000*l.* to 16,500*l.*; the value of the jewels was left out. Counsel called to acquaint the House as to the time the Countess of Anglesey was married. *Counsel for Countess* say she was married last October twelve months. Counsel withdrew. Blank in preamble filled in with the date, October 1699. Then the words, and the quiet of her conscience, were left out. The words, threatening, confining, and refusing her necessities, and did otherwise unnaturally and brutishly abuse, were also left out. *Proposed* to send for Countess of Anglesey. The House was resumed and V. Longueville reported that the Committee had made some progress in the Bill and that it is the opinion of the Committee that the Lady Anglesey be sent for to attend the House to answer such questions as shall be asked her. House informed Lady Dorchester desires to be called in and heard. She hears that her daughter may appear, but if she is seized, what will become of her? If secured, she shall come this minute. Countess Dorchester withdrew. *Ordered* that the Countess of Anglesey attend

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\* This Question was altered. The italics show the additions, the square brackets the omissions.

this House presently and that the Bishop of Ely is desired to go for her. *E. Anglesey* declared he would not seek after her nor take her up, nor any person for him, and that he will not any ways molest her [during the depending of this Bill, in any reputable place]\* upon this occasion of sending for her. *Proposed* what to ask Lady Anglesey when she comes? *E. Anglesey* proposes to ask her questions himself. *Agreed to.* *Proposed* to ask her that question, Whether she thinks herself in danger of her life if she returns to my Lord? *Agreed to.* The House being informed the Countess of Anglesey was come, she was called in and a chair set at the Table for her; and then the *E. Anglesey* said, if she feared any danger, he would give all security to the Lords she should not be hurt, and assures her of all the kindness imaginable and desires her to come home to him and her child. If she will come home, all the civility imaginable shall be used. *Countess* says she has been used barbarously and horridly, and I can never consent to come home again: I have been in danger of my life. I bore [it] as long as I could. All I have said is truth, and I hope your Lordships will redress me. Then the *L. Keeper*, by Order of the House, asked her Ladyship, Whether she thinks herself in danger of her life, if she returns to the *E. of Anglesey*, her husband? *She answers*, Yes, positively I do. She withdrew. MS. Min. L. J., XVI. 649.

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On 14 April in C. W. H., the remaining part of the preamble was read and agreed to; the first enacting clause was also agreed to. The next enacting clause, for the maintenance of the Countess, read. Counsel called in and told they must speak only to the filling up of the blanks in this paragraph. *Mr. Pooley* offers a clause for confirming the Lady Anglesey's jointure. (Annex (d)). It was read by the Counsel. *E. Anglesey's Counsel* opposes the clause. Counsel withdrew. *Proposed* that the Lady Anglesey have the same jointure as is settled after his death, in his Lordship's lifetime. *Question*, Whether my Lady shall have the same rentcharge for her separate maintenance as was settled for jointure until the portion shall be repaid? *Proposed* that the Lady have 800*l.* per annum and the 400*l.* per annum pin money. *Proposed* 1,200*l.* per annum rentcharge and her jewels. After debate, the *Question* was put, Whether my Lady shall have 1,200*l.* per annum rentcharge paid her in London, for her separate maintenance [and all her jewels restored to her] *until the portion be repaid?*† *Resolved* in the affirmative. Then this *Question* was put, Whether all the jewels shall be returned to her? *Resolved* in the affirmative. Counsel were called in again and told that the Committee had agreed that the Lady Anglesey shall have 1,200*l.* per annum rentcharge paid her in London for a separate maintenance, (until the portion be repaid), out of the jointure lands and that they prepare a clause accordingly and that care be taken for the return of the jewels to Lady Anglesey. *Lady's Counsel* say there is an arrear of pin money, at least half one year. Counsel withdrew. *Proposed* to consider who shall bear the charge of this suit, whether the Earl or Lady Anglesey? *Agreed* that the arrears of the pin money be paid to the Lady Anglesey and that the jewels be put into the Countess of Dorchester's hands, there to remain as a security to her for the charge she has been at in maintaining Lady Anglesey and the charge of the suit. That the first payment of the rentcharge shall begin at Lady [Day]

\* These words are expunged.

† Words in italics substituted for those in square brackets.



1700-1701. last past, the first half year's payment to be at Michaelmas next.  
 — Counsel called in. *Asked* what the charge of the snit has been?  
 No. 1591. *Counsel* cannot tell the charge; it must go through the House of Commons. Lady Dorechester says she has laid out 300*l.* already. *Counsel* say they can prepare the clauses against to-morrow. A clause offered by the E. Anglesey was read, relating to the reconciliation of them, then the Act to be void (*see Annex (f)*). House resumed, progress reported, and Committee to sit again on Wednesday, 16th. MS. Min.

On 16 April in C.W.H., V. Longueville in the Chair. Counsel called in and heard as to the clauses ordered to be drawn by them. *Countess' Counsel* offer a clause for settling and securing the jointure. *Earl's Counsel* oppose the clause for settling the 1,200*l.* per annum: Is it reasonable the E. Anglesey's estate should be in such trustees as they name? They deliver the clauses drawn for the Countess of Anglesey. *Agreed* that the Judge present do draw a clause for the Countess of Anglesey to have 1,200*l.* a year, with as little detriment to the E. Anglesey as may be. *Ordered* that Mr. Justice Nevill prepare such a clause against to-morrow morning. House resumed, progress reported and Committee to sit again to-morrow. MS. Min.

On 17 April in C.W.H., L. North in the Chair, Mr. Justice Nevill acquainted the House that after [six] o'clock my Lord's Counsel came. My Lady's came not: I appointed them to come to-day at ten, and this day they met, and we made some progress in the matter, and I have appointed them this afternoon. Question arose whether I should draw one or two clauses, one for the 1,200*l.* per annum or another for the jewels. Judge Traey added. *Ordered* that the Judges draw [a] clause for the 1,200*l.* per annum and the jewels, as ordered 14th inst. The clause in the Bill read for E. Anglesey returning to the Countess her wearing apparel. *Agreed* to leave out the clause against the Earl and Countess marrying again during their joint lives. *Agreed*, upon the Earl's motion, to leave out the word, Threatening. *Dr. Newton* was heard as to the wearing apparel: The first thing in the Ecclesiastical Court, the woman desires her wearing apparel, and we usually do order it, the woman giving a list of the eloths. *E. Anglesey* says *Dr. Newton* has refused him a writ of right. House was resumed. *Dr. Newton* was heard as to his allowing or not allowing a writ of conjugal separate rights: *Dr. Oldish* came to me and asked me to write a letter for conjugal rights. I said there was Privilege in this House, by the Bill being now depending. House put into a Committee again. The clause was read as to the wearing apparel. (*Proposed* to add the words, now remaining in the Earl's possession.)\* *Agreed* to without any amendment. The title was again read. *Agreed* to. House resumed and progress reported. *Moved*† that E. Anglesey may have a writ of restitution of conjugal rights against his Lady. House to be again in Committee on Wednesday and Judges to be ready. House adjourned to Wednesday the 23rd: an amendment to adjourn to Saturday was negatived, *On Question*. MS. Min. L. J., XVI. 657.

On 23 April, in C. W. II., *Mr. Justice Nevill* says that they met and the Counsel have considered of clauses, but they came not to his hands till yesterday; that they are now met, and [he] hopes the clauses will be ready in half an hour. *Mr. Justice Tracy* heard to the same

\* These words are expunged.

† On the motion of E. Anglesey.

effect. *Ordered* that the Judges now present do draw clauses as ordered. House resumed, and the *L. North* reported that it is the opinion of the Committee that there is a peremptory Order for the Judges not [now] present to draw the clauses, pursuant to the resolutions of the Committee the 14th inst., and present the same to the Committee to-morrow 12 o'clock. MS. Min. L. J., XVI. 658.

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On 24 April, in C. W. H., Mr. Justice Nevill delivered in the clauses drawn by him and Mr. Baron Tracy. The first clause read for the 1,200*l.* per annum and, a blank being in it for taxes, it was filled up to be paid without deducting taxes (*See Annex (d)*). *Agreed to*. The clauses read for jewels and pin money (*Annex (e)*). *Lady Dorchester* heard as to the arrears of the pin money. She says 200*l.* is due. *Agreed* to put in 200*l.* arrears. The next clause read, for the securing Lady Dorchester the jewels for her charges in maintaining Lady Anglesey. *Agreed* to fill the blank with 1st August. The clause read to the valuation of the jewels and securing the return of the jewels [and agreed to]\*. *Proposed* to hear one Counsel why this clause should stand. *Lady Anglesey's Counsel* called in and asked what need there is of a further security for the arrears of the pin money? *Mr. Phipps*: It is not secured. The pin money ceases at Lady Day. By a clause added to the Bill, if this be not added, we can never come at the arrears. *Lady Dorchester*: We desire the jewels, and not any money for them. *E. Anglesey* agrees the arrears of the pin money to be 100*l.*, to which the House agreed, and it was so mentioned in the clause. Counsel were called in and told the House desires a schedule of the jewels. House informed that a schedule is making of the jewels. A list of the jewels was delivered and read. *Proposed* to send for Mr. Bever, the jeweller, to know which of the diamonds the E. Anglesey paid for. *Agreed* to add the particular jewels to the clause by name. The clause read as amended. *Agreed*. Then the postponed clauses (*see* above 14 April) were read. *Ordered* that they be left out. Then the said clauses were left out. House resumed. The Report was fixed for Saturday the 26th. MS. Min. L. J., XVI. 659.

On 26 April *L. North* reported the Bill with several provisoes and amendments, which were severally read twice. *Agreed to*. A proviso was offered to be added to the Bill to hinder E. Anglesey from insisting on any Privilege against this Bill. (*Annex (g)*). It was read twice. *Agreed to*. *Ordered* that the Bill be engrossed with the amendments and provisoes. MS. Min. L. J., XVI. 661. On 29 April the Bill was read 3<sup>a</sup> and passed, *On Question*, and sent to the Commons. It was agreed to and returned without amendment on 24 May. Royal Assent 12 June. L. J., XVI. 664, 705, 739. 13 Will. III. c. 25 in Long Cal. *See* No. 1564.]

Annexed:—

- (a) 25 Feb. Petition of Katherine, Countess of Anglesey. Petitioner having not had the wished success in moving the House that her husband, James, Earl of Anglesey, might waive his Privilege, the remedies that are had in law against a husband for cruelty in favour of the meanest person being debarred her, and like ever to be so, therefore it is humbly desired of their Lordships to consider which way they will relieve her, it being evident to their Lordships and all that hear her lamentable case that it has long been her Lord's intention to destroy her, but after such a manner as might make it pass, as

\* These words are expunged.



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he hoped, for a natural death. She has little reason to believe his present intentions are more christian, since he has not only misrepresented her in the account he gave their Lordships of her temper, but also declared that, were she again in his power, she should unsay all she had sworn. It is not hard to guess by what means she would be brought to it. She prefers death rather than the falling into those hands that have already so beaten and bruised her. She is now a most deplorable speetaele, the case being new to have a wife so barbarously used that never failed in humility or modesty. Hopes their Lordships will relieve her, though by a new method. She is in a very ill condition of health in the concealment she is forced to live; she cannot have such people come to her proper for her recovery, and without speedy redress infallibly she must perish one way or other. Prays their Lordships will move her Lord to waive his Privilege, which, if he refuses, then she hopes their Lordships will permit her to bring in a Bill for a separation for cruelty, the common course of law being barred her. *Signed* Katherine Anglesey. *Endorsed* Read this day. [Read 3 March, and, *on Question*, carried; Petition not to be rejected; leave was given to bring in a Bill for a separation, as is prayed in the Petition. L. J., XVI. 607-611. See Notes above, Feb. 25 to March 3.]

(b) <sup>13</sup>/<sub>25</sub> March. Depositions (23) of Witnesses examined at the Bar between these dates.

(b<sup>1</sup>) 13 March. Mrs. Elizabeth Cannon, in the employment of L. Anglesey both before his marriage and subsequently. Gives evidence of acts of cruelty towards his wife committed by L. Anglesey. *Signed* Eliz. Cannon. *Endorsed* (1) read to her and signed 21 March.

(b<sup>2</sup>) 13 March. Thomas Jones, footman in the employment of L. Anglesey. Gives evidence with regard to various acts of cruelty towards his wife committed by L. Anglesey. *Signed* Thomas Jones—his mark. *Endorsed* (2) read to him and signed 21 March.

(b<sup>3</sup>) 13 March. Mrs. Elizabeth Berkeley, woman to Lady Anglesey. Gives evidence of acts of cruelty committed by L. Anglesey. *Signed* Eliz. Berkeley. *Endorsed* (3) read to her and signed 21 March.

(b<sup>4</sup>) 13 March. Mrs. De Caron. Gives evidence of acts of cruelty committed by L. Anglesey both in London and at Farnborough. *Signed* Marie De Caron. *Endorsed* (4) read to her and signed 21 March.

(b<sup>5</sup>) 13 March. Mrs. Mary Vaughan, for a short time housekeeper to Lady Anglesey. Saw various bruises on Lady Anglesey's body. L. Anglesey was very kind to his child and never unkind to his wife in the presence of witness. *Signed* Mary Vaughan. *Endorsed* (5) read to her and signed 21 March.

(b<sup>6</sup>) 13 March. Mary Chapman, housemaid to Lady Anglesey for about a year and half. Heard Lady Anglesey cry out to L. Anglesey not to murder her. *Signed* Mary Chapman. *Endorsed* (6) read to her and signed 21 March.

(b<sup>7</sup>) 13 March. John Sheppard, footman to Lady Anglesey. Gives evidence that L. Anglesey used to confine Lady Anglesey. *Signed* John Sheppard. *Endorsed* (7) read to him and signed 21 March.

- (b<sup>8</sup>) 13 March. Elizabeth Cotton, midwife. Gives evidence of the bruises on Lady Anglesey's body and of the careless way in which her confinement was managed. Was not present at the birth of the child. Never saw L. Anglesey treat his wife unkindly. *Signed* Eli. Cotton. *Endorsed* (8) read to her and signed 21 March. 1700-1701.  
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- (b<sup>9</sup>) 13 March. Mrs. Sarah Man, midwife. Corroborates Mrs. Cotton's evidence and gives further instances of L. Anglesey's cruelty to his wife at the time of her confinement. *Signed* Sarah Man. *Endorsed* (9) read to her and signed 21 March.
- (b<sup>10</sup>) 21 March. Sir Edmund King, physician. Has attended upon Lady Anglesey. Gives evidence of Lady Anglesey's fear of her husband and of his cruelty to her, although he himself has never actually seen the Earl unkind to her. *Signed* Edm. King. *Endorsed* (10) read and signed by him 24 March.
- (b<sup>11</sup>) 25 March. Doctor John Colbatch, L. Anglesey's physician. Was summoned to attend upon Lady Anglesey. Saw no unkindness on the part of L. Anglesey to his wife. *Signed* John Colbatch. *Endorsed* (1) read to him and signed 29 March.
- (b<sup>12</sup>) 25 March. Doctor Cockburn. Has attended professionally on both L. Anglesey and his wife. Has never observed any unkindness between them, although Lady Anglesey complained to him of her husband's conduct towards her. *Signed* W. Cockburn. *Endorsed* (2) read to him and signed 29 March.
- (b<sup>13</sup>) 25 March. Mrs. Jane Greener, nurse to the child. Was present shortly after Lady Anglesey's confinement, which was very well managed. Never saw L. Anglesey behave unkindly to his wife. *Signed* Jane Greener. *Endorsed* (3) read to her and signed 29 March.
- (b<sup>14</sup>) 25 March. Mrs. Phillips Wingate. Is a cousin of L. Anglesey. Lived for about ten months with L. Anglesey and his wife. They used to quarrel. Lady Anglesey complained to her of L. Anglesey's cruelty towards her, but witness never saw him unkind to her. Lady Anglesey's confinement, at which witness was present, was well managed. *Signed* Phill. Wingate. *Endorsed* (4) read to her and signed 29 March.
- (b<sup>15</sup>) 25 March. Ann Wikey. Lived for a year and a quarter with Lady Anglesey. Is still in L. Anglesey's service. Never saw any unkindness between L. Anglesey and his wife. L. Anglesey was present at his wife's confinement and was most attentive to her. *Signed* Ann Wikey. *Endorsed* (5) read to her and signed 29 March.
- (b<sup>16</sup>) 25 March. Mrs. Ruth Booth. Was present at Lady Anglesey's confinement which was well managed. L. Anglesey was also present and most attentive to his wife. *Signed* Ruth Booth—her mark. *Endorsed* (6) read to her and signed 29 March.
- (b<sup>17</sup>) 25 March. Joyce Rivall. Has been in Lady Anglesey's service nine months. L. Anglesey always behaved very kindly to his wife. *Signed* Joyce Rivall. *Endorsed* (7) read to her and signed 29 March.
- (b<sup>18</sup>) 25 March. Rebecca Cooper. Corroborates the evidence of the five previous witnesses as to the manner in which Lady Anglesey's confinement was managed. Was locked up for the night on one occasion with Lady Anglesey, but never saw



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- L. Anglesey unkind to his wife. *Signed* Rebecca Cooper—her mark. *Endorsed* (8) read to her and signed 29 March.
- (b<sup>19</sup>) 25 March. Mr. Patrick Gray. Has been in L. Anglesey's service between five and six years. L. Anglesey was always kind to his wife. *Signed* Pa. Gray. *Endorsed* (9) read to him and signed with some addition 29 March.
- (b<sup>20</sup>) 25 March. Mr. Thomas Cotton. Is L. Anglesey's steward. Has lived three years in the service of Lady Anglesey. During this time never saw any acts of unkindness between L. Anglesey and his wife. Gives details with regard to the payment of Lady Anglesey's allowance and with regard to her separate household. *Signed* Tho. Cotton. *Endorsed* (10) read to him and signed 29 March.
- (b<sup>21</sup>) 25 March. Mr. Gills. Wardon. Has lived nine months as L. Anglesey's gentleman. Never observed any unkindness on the part of L. Anglesey towards his wife. *Signed* Gills. Wardon. *Endorsed* (11) read to him and signed 29 March.
- (b<sup>22</sup>) 25 March. Mr. John James Heidegger. Has known L. Anglesey and his wife for some time, and has never seen any unkindness between them. *Signed* J. J. Heidegger. *Endorsed* (12).
- (b<sup>23</sup>) 25 March. Thomas Porter. Has been footman in the service of L. Anglesey for a year and a half. Never saw L. Anglesey unkind to his wife. *Signed* Thomas Porter. *Endorsed* (13) read to him and signed 29 March.
- (c) 26 April 1701. Paper containing the amendments, made in C. W. H. and reported this day, and an amendment, made on Report this day. They are shown on the text of the Bill above, and in the Annexes below. MS. Min. L. J., XVI. 661.
- (d) 26 April. Amended Draft of Clause A, providing a rentcharge of 1,200*l.* a year for Lady Anglesey. The amendments were to add the words, for or in respect of taxes or impositions imposed or to be imposed by Parliament or otherwise, or, in a blank left after the words, without any abatement or deduction whatsoever. There is a note written in the margin, viz., Query, whether to be free from taxes? 16,500*l.*, the amount of the Lady's portion, is inserted in a blank in the proviso. [*Reported* this day. The amendments were drawn by Mr. Justice Nevill and Mr. Baron Tracy, and delivered by them to the Committee and agreed to on 24 April. See Notes to first paper, April 11 to 14.]
- (e) 26 April. Amended Draft of Clause B, providing for the payment of the arrears of pin money to Lady Anglesey and the delivery of the jewels to Lady Dorchester until her expenses were reimbursed. The amendments were (1) to fill in the amount of the arrears, first 200*l.*, altered to 100*l.*; to add the particulars of the jewels, from the words, that is to say, to the words, with his own money; (2) to fill in the date, 1st August as the date for payment of the arrears and delivery of the jewels to Lady Dorchester, with the necessary consequential amendments; (3) to add, after the words, shall redeem the said jewels, the words, except such of them as were paid for by the said Earl of Anglesey as aforesaid; (4) to substitute the words, 2,000*l.* for and in respect of the said jewels, for the words, [blank] being the value of the said jewels, with the necessary consequential amendments. [*Reported* this day. The amendments were

drawn by Mr. Justice Nevill and Mr. Baron Tracy, and delivered by them to the Committee and agreed to on 24 April. See Notes to first paper, April 11 to 24.] 1700-1701.  
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(f) 26 April. Amended\* Draft of Clauses C and D, as follows:—(C) Provided that if the said Earl of Anglesey and the said Countess, his wife, shall at any time hereafter be *voluntarily* reconciled, and such reconciliation shall, under the hands and seals of the said Earl and Countess, be attested by two or more credible witnesses, *and declared by the said Earl and Countess in some Court of Record or before the Lord Chancellor or Lord Keeper of the Great Seal of England for the time being* [or if the said Countess shall live unchastely] [or *cohabit with the Countess of Dorchester*], then and in such case, all the provisions made for the said Countess by this Act and the force and effect of them shall cease and be void. (D) Provided also that if the said Countess shall, at any time hereafter during the said separation, or within [forty] *thirty-five* weeks next after such reconciliation so attested *and declared* as aforesaid, *except it be within nine months from 12 Feb. 1700*, have any child born, such child shall not, or be reputed to, be the child of the said Earl, bear his name, have any of his titles, or be entitled to have any part of the said Earl's estate or portion thereout by descent, settlement, purchase or otherwise; nor shall the said Earl be in any sort subject to any of the debts of the said Countess *which have been or shall be by her* contracted [or to be contracted during the said separation] *since the said 12 Feb.* Clauses C and D are noted *Agreed*. [Reported this day. On 14 April, in C. W. H., a clause offered by E. Anglesey was read, relating to the reconciliation of them, then the Act to be void. Clause amended and agreed to. The word, unchastely, was read. The *Question* was put, Whether these words, or shall live unchastely, shall be part of this clause last agreed? *Agreed* to be left out. The words, or cohabit with the Countess of Dorchester, read. The *Question* was put, Whether these words shall stand in this paragraph? *Resolved* in the negative. Another clause offered by the E. Anglesey, that if the Countess have a child born during her separation. Clause agreed to. Clause against Earl's paying debts of Countess since 12 Feb., was read. *Agreed to*. *Question* put, Whether these words, since the said 12 Feb., shall be part of the clause? *Resolved* in the affirmative. The next clause offered by the Earl, concerning their not being reconciled by Michaelmas come twelve month, then, she having her portion again, either [of them] may marry and the settlement void. The clause was rejected. MS. Min. 14 April.]

(g) 26 April. Amended Draft of Clause E, being the last proviso in the Act, hindering the Earl from insisting on his Privilege. The amendment is to add the concluding words, any laws, custom or usage to the contrary notwithstanding. [Agreed to this day on Report. Ordered that the words be added at the end of the Bill. MS. Min.]

1592. March 6. Writs of Summons.—Writs of Summons, dated 26 Dec. 1700, to (1) James, L. Chandos, and (2) Henry, L. Herbert, who took the Oaths this day. L. J., XVI. 614.

\* Additions in italics, omissions in square brackets.



1700-1701. 1593. March 6. *Price v. Watts*.—Petition and Appeal of John Price, Esq. In 1685 Petitioner and William Robinson, in trust for him, agreed to deliver iron from time to time to William Watts, an alderman of Dublin, who, with Sir Humphrey Jervis, Knt., gave a bond of 1,000*l.* for performance of the agreement. In 1688 Petitioner and Robinson brought an action against Watts for payment, and the latter, to be relieved, preferred a Bill in the Chancery of the Exchequer in Ireland. The Court of Exchequer, on hearing the Cause in June 1695, referred it to the Chief Remembrancer to state the account. He reported that 833*l.* 10*s.* 7*d.* was still owing by Watts. A dispute arose as to whether iron made by Browne and Bingham should be paid for at the same rate as that supplied by Petitioner, and the whole matter was, by consent, referred to Sir John Hely, Knt., Lord Chief Justice of the Common Pleas. He awarded Petitioner 800*l.* This sum was to be paid by Watts on 1 August 1699, unless by 31 July he gave good security, to the “liking of” Petitioner, to pay 400*l.* on 1 Feb. next ensuing and 400*l.* on 2 Aug. 1700, with interest at 8 per cent. The award was set aside by the Court, on the exception that the words, to his liking, made Petitioner a judge in his own Cause. The Court ordered that Brown and Bingham’s iron should be paid for at the same rate as Petitioner’s and that an account should be stated. Petitioner appeals against these orders, as the award of the arbitrator should not have been set aside. *Signed* John Price. *Countersigned* James Sloane, Fra. Annesley. L. J., XVI. 614. [Dismissed for want of prosecution on 1 May 1702. L. J., XVII. 112.]

Annexed:—

- (a) 6 March. Order of the House on above Appeal this day, calling upon William Watts to answer. L. J., XVI. 614. *In extenso*. *Endorsed* Read 12 April 1701. [See next paper.]
- (b) 12 April 1701. Affidavit of Daniel Combes, of Dublin, that on 22 March he had served the above Order on Respondent’s wife, who refused to let him see her husband, and that he had left a copy with her. *Signed* Dan. Combes. *Sworn* 10 April before Tho. Gery. [Appended to preceding and read this day. Respondent was thereupon ordered peremptorily to answer. L. J., XVI. 651.]

1594. March 6. Forfeited Estates (Ireland).—Report of the Trustees, appointed under 11 & 12 Will. III. c. 2, § i. Fol. Ed., as follows:—

(1.) We, the Trustees appointed for putting in execution part of an Act of Parliament, made in the eleventh and twelfth years of his Majesty’s reign, entitled, An Act for granting an aid to his Majesty by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned, in obedience to the last clause of another Act, made the same session, entitled, An Act for the appointing commissioners to take, examine, and determine the debts due to the army, navy, and for transport service, and also an account of the prizes taken during the late war, do humbly lay before your Lordships a summary account of our proceedings.

(2.) As soon as the Act was printed, we had several meetings in London to consider of the necessary preliminaries for the due execution of our trust, and nominated such officers as we thought fit to carry over with us; and, because the Act required many things under several penalties to be done and performed, at or before certain days therein prefixed, that all persons concerned might have due notice thereof, we

drew up a memorial, containing an abstract of the several clauses thereunto relating, and presented the same to the Rt. Honble. the Earl of Jersey, then Principal Secretary of State, by whose means we procured a Proclamation to be issued by the Lords Justices here for that purpose.

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(3.) Having made this entrance on our business, we agreed to meet in Dublin with all possible expedition, which we did on the first of June, and qualified ourselves by taking the oaths appointed by the Act.

(4.) This done, we immediately gave notice in print of the time limited for receiving claims, and to all tenants and occupiers of any of the forfeited estates to deliver in true particulars of the quantity, quality and real value thereof, pursuant to the Act; and required the sheriffs of this Kingdom to publish the same throughout their several counties. We gave our constant attendance to the last hour of the time limited by the Act and received every claim that was tendered, the whole amounting to 3,022.

(5.) Such of the tenants and occupiers of the said estates as delivered in their own particulars were sworn to the true quantity, quality and real value of the lands and tenements by them severally possessed, in order to set the same to the best advantage. Most of the tenants who lived in the remote counties, (we rather think out of ignorance than wilfulness), have not complied with the Act, and many others sent them up by post, or [by] persons that knew nothing of the values and so could not be sworn to any purpose, upon which we generally continued the tenants in possession on account, without any agreements, but to pay such rent as upon enquiry the lands should appear to be worth; thereupon we appointed receivers throughout the several counties of this Kingdom and gave them instructions, in writing, to enquire into and return up the true value of all the said estates in their several and respective districts, and under what rents, covenants and contracts they are held and enjoyed, and with our approbation to let and set the same and to take security from the tenants for their true answering and paying their rents. We have printed and supplied the receivers with all necessary forms of particulars and bonds for the purposes aforesaid and have taken security from them for the faithful discharge of their trust.

(6.) To make a better estimate of the quantity and value of the lands, we have appointed surveyors in the several parts of the Kingdom and have already had so good an effect of their endeavours, that we promise ourselves this service will abundantly recompense the expense of it; and, if the surveyors were empowered to administer an oath for the better ascertaining the meers and bounds, it would save a great expense to the country people, (who must otherwise be frequently summoned up to Dublin to be examined), and be a great satisfaction to the purchasers.

(7.) By these methods, we humbly conceive, we shall come to the knowledge of the value of the lands; but, by reason of the great rains that have fallen here this winter, the survey has been much delayed, and the districts of the receivers are so large and their instructions so particular, that we cannot as yet expect from them such an account as we may rely upon and consequently fit to be laid before your Lordships; but, according to our best observation, the lands per acre will answer the return of the last commissioners, but the claims upon them are so many, (a great part of which could not appear upon the former enquiry), that we can make no probable estimate what will be the neat produce.



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(8.) The claims on the Private Estate are already heard, and, we believe, will answer in the sale the valuation in the last Report,\* though a great part of the lands in the Duke of York's grant was never in his possession.

(9.) Notwithstanding all our care, we doubt we shall not be able to raise the rents during our time to the full value, [as] most of the Private Estate is in lease to May next, at small rents, and some part of it longer. A great part of the forfeited estates is under beneficial leases. A great deal more is either under extents to creditors or in possession of mortgagees, some of persons who claim it as their own inheritance, and a considerable quantity is held in dower and jointure. Most of these we have continued in possession, upon giving security to answer the mesne profits, in case their claims should be dismissed. Besides this, we found it difficult to prevail with the tenants, who had taken leases from the grantees, to advance their rents. Most of them being Protestants and having made improvements upon their lands, deserved all the compassion we could justify; and further, we were afraid that, if we used any extremities, we should drive them off the lands and give ill impressions to the rest of the tenants, who were under great apprehensions at our first coming over, the consequence of which might be to leave the lands waste, it being impossible to get tenants to remove their stock and families upon so short a lease as our time; so that [we] were obliged to continue the present tenants in possession and raise them as high as we could. Therefore we humbly conceive we ought to make no estimate of the valuation of the lands from the present rents, and yet we hope they will answer more than double the whole expense of our Commission, which, in salaries, survey and incidents of all kinds, we compute at near about 40,000*l.* per annum.

(10.) We set no value on the forfeitable estates, having received information that thirty-two persons, active in the late rebellion and now resident in France, that were possessed of estates in this Kingdom, were lately indicted in the city of Dublin upon the Statute of Foreign Treason, and a grand jury, of as equal and indifferent men as could be found, were impannelled, and the evidence against most of them, as appeared by the examinations laid before us, was clear and positive; yet they were all acquitted.

(11.) We have heard and determined all the demands of the several purchasers of inheritance from the grantees to the one and twenty thousand pounds allowed by the Act before the tenth of August last, and have directed certificates to be given out of each man's share and proportion, pursuant to the Act. A list containing the names of the several purchasers, the sums by them respectively proved, [the sums] paid the grantees, from whom each purchase was made, and the particular sum or share of the one and twenty thousand pounds each purchaser is entitled to, is hereunto annexed.

(12.) On the twentieth of July, we gave public notice that we would sit on the fifteenth of August, to hear and determine claims in the order they were entered, and that all claims should be posted fifteen days before hearing, and in this method we continued till we could get all the claims abstracted. Then for the greater ease of the country and expedition of our business and the better to prepare the estates for sale, we did, on the ninth day of December last, further publish, that we would, from the seventh day of January, hear and determine all claims on the same estate together, beginning with the Private Estate, by which means we shall despatch more claims in less time, they depending much upon the same title, and frequently the

same deeds and witnesses, and as we clear estates we may thereby put them into a method of sale. We have [sat], and do sit four days every week on hearing claims, the multiplicity of other business being more than sufficient for the other two days. There has been posted already 1,133 claims, about 800 whereof are heard and determined, many of which we found to contain several distinct claims on different titles and estates; those posted and not heard are postponed for want of prosecution or at the claimant's request, so that it will be impossible with our utmost industry and application to determine all the claims within the time limited.

(13.) Several of the grantees of debts have not complied with the Act in paying the monies by them received into the Exchequer on or before the 24th day of August, whereby they have forfeited double the value.

(14.) Several other grantees have neither paid the rent charges, or other rents, issuing out of the estates granted, nor the interest of mortgages or other securities affecting the same, pursuant to the said Act, on or before the first of November, by which means the debts are increased to double the money lent and lie as a heavy charge on the lands; every day giving fresh instances of this kind. We therefore think it our duty humbly to lay this matter before your Lordships, for your directions herein.

(15.) The number of Discoveries already lodged amount to 600, but we are not able to make any conjecture how valuable they are, not having time to hear them till after the 25th of March.

(16.) We have made enquiry into the wastes committed on the forfeited woods of this Kingdom, which we find very considerable. The trespassers that are able, we shall punish, but most of the destruction has been by the ordinary people of the country, who are unable to make satisfaction, or so much as answer the expense of our witnesses.

(17.) Great arrears of rent out of the forfeited estates and interests not granted, have incurred since the 13th of February 1688 and before the 2nd of November 1699, which are neither paid to his Majesty, nor are we entitled to demand them, and which will never be discovered unless vested in us with due encouragement to such as shall discover and pay them.

(18.) We hope it will not be thought presuming, if we humbly represent to your Lordships some instances wherein we conceive we are not empowered to execute our trust to the best advantage of the public. By the present provision of the Act, all arrears of rent due from the second of November or which shall hereafter become due, all penalties, fines and forfeitures, all debts due to forfeiting persons and all bonds entered into for security, are to be sued for in the name of the King's Attorney-General. We apprehend many debts of this kind may become due near the expiration of our Commission when there will not be time left us to recover them. Besides, we do humbly acquaint your Lordships that so many of the people of this Kingdom are interested in the forfeitures, that we have not hitherto thought it advisable to submit anything to their determination. We therefore do, with all submission, lay it before your Lordships, whether the placing the last result and determination of these matters in the trust be not for the public service.

(19.) There is one other part of the Act, which though we apprehend may not want explanation, yet, because we find an opinion industriously spread here which may tend to the discouragement of purchasers, we think it our duty to mention it to your Lordships. The construction

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generally put upon the vesting clause, fo. 8, is, that nothing is vested in us, but what the forfeiting person had, so that he that has any demand to, or out of, any of the said forfeited or other estates or interests, expects to be at liberty when our Commission is ended, to prosecute that demand in the Courts here, though they have entered no claim, which construction, we humbly conceive may make the claiming clause of little use. And, lest it should in some measure frustrate the ends of the Act, we lay it before your Lordships and submit it to your consideration, how far the validity of our sales in general shall be left to be controverted anywhere, under any pretence whatsoever.

(20.) We conceive also, that our not having power by the Act to punish the contrivers, aiders and abettors of false claims, as well as the claimants themselves, has been an encouragement to persons of interest and wealth to procure claims to be entered in the names of insolvent people, whereby the intention of the Act is defeated.

(21.) We do further crave leave to represent to your Lordships, that if some provision was made for enabling the persons, having the remainders after the forfeited estates for lives, to mortgage their interest for the purchasing such estates for lives, they would become the best purchasers, and that, in case such persons so in remainder were restrained from barring the forfeited reversions vested in us, the said reversions would be more valuable than now they are, by reason of some opinions prevailing here that such reversions may be barred by common recoveries; and that, if we had power to accept and take assignments or discharges of incumbrances, claimed and allowed as so much moneys for the purchase of the lands, most of the persons having such incumbrances would be the fairest purchasers, which may increase the number of bidders, lessen the burthen of interest, and expedite the sales.

(22.) We were of opinion that the quit and crown rents, issued out of the forfeited and other estates and interests vested in us, were, by unity of possession in his Majesty, extinguished, and that in our hands they were not liable to such rents by the words and plain construction of the Act, that they shall be sold, discharged of all arrears. But the Commissioners of his Majesty's Revenue being advised that the said estates were chargeable with quit and crown rents during their continuance in our hands, we were willing and did, for the ease and quiet of the tenants, permit them to collect the said rents in the usual manner and deposit them in the Exchequer. We do, therefore, most humbly represent this matter to your Lordships for further directions, whether these rents shall be applied towards the discharge of the public expense of this Kingdom or go in ease of the subjects of England and be applied as part of the fund allotted by the said Act to the uses therein mentioned, such rent amounting to about five thousand pounds per annum.

(23.) We think it incumbent on us to lay some few cases before your Lordships as objects of compassion and wherein the provisions of the Act are, as we conceive, short of your intentions.

(24.) The Lady Baroness Dowager of Upper Ossery did claim the benefit of a clause in the Act for confirming a grant from his Majesty of a maintenance to her, out of her late husband's estate, not exceeding eighty pounds per annum, and there being no grant, but only a letter from his Majesty in order to a grant, we humbly conceive, she is not so within the letter of the Act as to have any allowance of her claim. We have continued her in possession and chose rather to represent her case than disallow her claim.

(25.) Captain James Roch is under the same circumstances, only with this difference, that since the Act his grant is passed the seals and, as we humbly conceive, may want confirmation.

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(26.) The grant of Francis De la Rue, made upon the most valuable consideration, and intended to be four hundred pounds per annum, by reason of the adjudication of some persons within Articles, whose estates were comprised in his grant, and by the loss of a diminutive, or the original minutes, which warrants the making up the inquisition of some other forfeited lands in the county of Galway within his grant, he is like to be defeated of the greatest part of his Majesty's gracious intentions towards him.

(27.) We humbly crave leave to acquaint your Lordships that Col. Thomas Dungan, commonly called Lord Limerick, did not enter any claim to his brother's estate within the time limited, whereby he is entitled to the 8,000*l.* given him by the Act, and that he has since offered to produce a settlement and relinquish his interest in the 8,000*l.* if he might be admitted to claim; of which we could take no cognizance. And here we ought to take notice, that all the claims on the said estate are heard and determined, and that the grantee thereof has sold to several purchasers to the value of 8,113*l.*, one third part whereof is charged by Act of Parliament as a debt on the said estate.

(28.) There is a great estate forfeited for life, by the attainder of John Bourke, late Lord Bophin, whose wife and nine children have no subsistence during the father's life. If some provision were made before the sale of the estate to enable them to treat with us for the disposal of their reversionary interest for lands in possession, it might be a present relief to the family and an advantage to the sales, all which is humbly submitted to your Lordships' commiseration.

(29.) We presume humbly to lay before your Lordships one further object of compassion. There are about one hundred and fifty families of English and French Protestants, planted on the lands of Portarlington, the forfeiture of the late Sir Patrick Trant, who have laid out their whole substance in purchasing small leases now in being, which lands were part of the grant of the Rt. Honble. the Earl of Galway, who has thereon erected and founded an English and French church and school, and endowed them with pensions amounting to near 100*l.* per annum, which have been constantly paid till the said lands were vested in us.

(30.) Having, according to our duty, laid before your Lordships the best account we can at present give of our proceedings, we most humbly beseech your favourable interpretation of them. We are not insensible that in so large a trust, ungrateful to so many, that there may be some misrepresentations of our actions, which we hope will make no impression upon your Lordships till we have an opportunity to vindicate ourselves; and we doubt not, but we shall so far justify our endeavours for the public service as to deserve your protection. And we crave leave further to assure you, that as we esteem the great trust reposed in us to be the highest honour that can be conferred so we shall spare no pains, or industry in the faithful execution of it. *Signed and Sealed* Cyrill Wich, H. Sheres, J. Baggs, Jno. Isham, John Trenchard, Hen. Langford, James Hooper, John Cary, Fra. Annesley, T. Harrison, Wm. Fellowes, Tho. Raulins. *Dated* Dublin, 15 Feb. 1700-1701.

Then follows a list of the several purchasers of inheritance under the grantees of forfeited estates, with their respective proportion of the 21,000*l.* allowed them by Act 11 & 12 Will. III. c. 2 (*see* Paragraph 11 of Report). The list is in three columns (1) Purchase



1700-1701. Money, (2) Purchasers, and (3) Proportion of the 21,000*l.* At the end are the totals of this account, as follows :—

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Purchase Money.			Purchased from			Proportion of the 21,000 <i>l.</i>		
£	s.	d.				£	s.	d.
16,731	13	4	Earl of Albemarle	-	-	5,905	1	9 $\frac{1}{4}$
17,484	12	0	Earl of Athlone	-	-	6,170	16	4 $\frac{1}{2}$
562	1	10	Earl of Abereorn	-	-	198	7	6 $\frac{3}{4}$
730	0	0	Col. Henry Luttrell	-	-	257	12	9
70	0	0	O'Malan and McVeagh	-	-	24	14	1 $\frac{1}{4}$
23,923	14	7 $\frac{1}{2}$	Earl of Romney	-	-	8,443	7	5 $\frac{1}{4}$
59,502	1	9 $\frac{1}{2}$				21,000	0	0

[Delivered this day by Mr. Morris Annesley, a messenger from the Trustees of Ireland, and read on 14 March. *Ordered* that two of the Trustees, Sir Henry Sheres and Francis Annesley, Esq., do attend, to explain. On 3 April the L. Keeper acquainted the House that they had come from Ireland and were ready to attend. MS. Min. March 6, 14; April 1, 8. L. J., XVI. 614, 622, 640, 645. No further entries till 5 Feb. 1701-2.\*]

Annexed :—

(a) 1 April 1701. Letter from the Trustees to the Lord Keeper, Sir Nathan. Wright, acknowledging receipt of his letter of 15 March with an enclosed Order of the House, in obedience to which Sir Henry Sheres and Mr. Francis Annesley are preparing to attend the House with all convenient speed. *Signed* Cyrill Wich, J. Baggs, Hen. Langford, John Cary, Wm. Fellowes, T. Harrison, Tho. Raulins, James Hooper. *Dated* Chichester House, Dublin, March 25, 1701. *Endorsed* as received this day, and read. [The Lord Keeper acquainted the House this day that he had received this letter. L. J., XVI. 640.]

1595. March 6. E. Macclesfield's Privilege (Phillipps).—Paper endorsed, Browne's affidavit, stating that Mr. John Browne will prove that William Phillipps, a menial servant to E. Macclesfield, was arrested yesterday at the suit of one Richard Wilford. The bailiffs' names are Charles Wapshott and William Elderton. Phillipps is in their custody in a spunging house. Wilford and the bailiffs refused to discharge him. [On 6 March *John Browne* (sworn) said he [Phillipps] was arrested yesterday morning at the suit of Richard Melford [Wilford]. He eats and drinks at E. Macclesfield's : I told them he was my Lord's servant. He said, if it cost him 500*l.*, he would stand it out. *E. Macclesfield* assured the House he was his servant. *Ordered* that the Plaintiff and bailiffs be attached and Phillipps discharged. MS. Min. L. J., XVI. 614. On 6 May 1701 Wilford and the bailiffs asked pardon of the House and E. Macclesfield and were discharged, paying their fees. MS. Min. L. J., XVI. 669.]

1596. March 11. Vicountess Dowager Saye and Sele v. V. Saye and Sele.—Petition of Catherine, Vicountess Dowager Saye and Sele. Petitioner, the widow of William, V. Saye and Sele, had settled upon her 300*l.* a year out of lands in Newton and Broughton, Oxon., besides

\* See L. J., xvii, 27, 29, 31.

lands of nearly the same yearly value in Bromby, Lincolnshire, subject to mortgages for 2,300*l.* principal, besides arrears of interest. On her husband's death, Nathaniel, the present Viscount, took possession of all the real and personal estate of Petitioner's husband. His agents seized the deeds and the Petitioner's wearing apparel, which was in the mansion house. The Viscount refuses to deliver these to the Petitioner, although he admits her right to the 300*l.* a year, out of which sum he has paid her 115*l.* This is all that the Petitioner has had to subsist on for over two years. The Viscount also refuses to pay the arrears, which will amount to 637*l.* on 25 March. He also keeps the Petitioner out of the Bromby estate, and refuses to pay the interest on the mortgages, though he receives the rent. He will not speak to any one she sends to him and threatens to starve her, insisting on his Privilege. Petitioner is destitute and lamentably harassed by the great debts she is forced to contract. Prays that the Viscount may be compelled to pay her the arrears of her rent-charge, her title to which he does not deny and which he has admitted in his case formerly presented to the House\*. Petitioner also prays that her writings and wearing apparel may be restored to her and that she may be at liberty to proceed at law for the recovery of the Bromby estate. *Signed* K. Say & Sele. [*Endorsed* as read this day. *Ordered* that V. Saye and Sele answer with all convenient speed. L.J., XVI. 619. On 18 March the Viscount's Answer (Annex (a)) was brought in. MS. Min. On 19 March the Petition and Answer were read. V. Saye and Sele declared he would insist on his Privilege. *Proposed* that there be a new reference to the same Lords as before, at the desire of each party. *Proposed* to refer it to the Committee for Privileges, to consider what has been done in the like case or what may be done in this, and each party to have Counsel if they think fit. *Ordered* the Committee to meet Monday fortnight. In the margin is a reference to the case of Sir F. Leeke and L. Scarsdale [? L. Deincourt, 2 Car. I.] MS. Min. On 31 March 1701, at the Committee for Privileges, L. Herbert in the Chair, Mr. Phipps was heard for the Lady: All our writings are taken from us. My Lady's not compliance with the reference was because 20*l.* per annum was offered for 1,500*l.* They offer several precedents for waiving Privilege, as L. Deincourt's case and others. The Lady has paid off a debt of 5,000*l.* She has improved the estate. We hope your Lordships will give order for the waiving Privilege. Mr. Beresford heard for the Lady also: They themselves do not controvert, but the Lady was married and so has a right to thirds. We had afterwards a jointure. We say there was a Will, which entitles her to part of the real and personal estate. In many cases this House has controlled Privilege.

15 May 1626 read. Leeke v. L. Deincourt.

12 Feb. 1628. This was read also.

3 July 1678 read.

21 Feb. 1692. Noblewomen. No Privilege.

12 Nov. 1685.

23 Oct. 1691 read.

26 Oct. 1696 read. Sawrey v. E. Derby.

14 Dec. 1696.

29 April 1699.

15 Dec. 1691.

Sir Thomas Powys heard for V. Saye and Sele: My Lord will pay her the 300*l.* per annum and all arrears, but hopes he may insist on his

\* House of Lords MSS., Vol. III. (New Series), No. 1363.



- 1700-1701. Privileges as to the real estate, when deeds and Wills may be set up. *Mr. Phipps* and *Mr. Beresford* heard to reply. Counsel withdrew.
- No. 1596. *V. Saye and Sele* proposes a reference and is unwilling to give further trouble. *Moved* to report that it is the opinion of the Committee that all sorts of settlements are in the nature of trusts. They withdrew. *Ordered* to report that the precedents will not be reported until the result of a proposed reference of the difference to some noble Lords has been reported. Priv. Book. On this Report being made this day by L. Herbert, Lord Somers and the Bishop of Oxford were named referees by the Viscount and the Lady's Counsel respectively, and E. Rochester was named umpire by the House. L. J., XVI. 638. On 26 April, after several Orders for the referees to report, *E. Rochester* reported that they had heard agents for both sides, all fully heard. Lady Saye and Sele insisted on 300*l.* per annum and arrears from the Lord's death, and that by another deed an estate in Lincolnshire is settled on her and her heirs. This is disputed; and the demand of arrears is near 4,000*l.*: I after met with the Bishop of Oxon and L. Somers and they desired me to offer something. The 300*l.* per annum is clear. Her demand and Lord's concession were wide. I understood that the former referees had come to some sort of agreement that the Lady have the 300*l.* and 1,500*l.* in money. This I proposed now. At first it had no effect. My Lord would not hearken to this. After some time my Lord, V. Saye, acquainted me that he had rather end it this way. My Lord proposed to allow the 300*l.* and arrears. I have endeavoured to bring my Lady's referee to anything less. My Lord Saye offered 1,000*l.* There is now some sort of an agreement by my Lord's offering 1,200*l.* *Bishop of Oxford* heard for the Lady Saye and Sele. L. Somers heard for V. Saye and Sele: The rentcharge and all the arrears, and over and above 1,200*l.*, to be paid to my Lady. *Bishop of Oxford* says, the Lady Saye is not here, but he will refer all to the House. The House agreed that the 300*l.* per annum and arrears thereof and 1,200*l.* be paid to the Lady Saye and Sele. *Proposed* the Lady have the plate and clothes agreed on in the last reference to be delivered, and also the deed of 300*l.* per annum. *Agreed* that the referees meet and settle this matter and report on Monday next the 28th. MS. Min. L. J., XVI. 662. On 28 April *Moved* that some matters have arisen which they cannot agree on. L. Saye says he [excepts?] no deduction out of 1,200*l.* *Agreed* to give time until to-morrow for this agreement. MS. Min. On 29 April the terms agreed on by the parties were reported by E. Rochester and approved by the House. L. J., XVI. 665. *In extenso*. On 3 May the House was informed that the Lady Saye and Sele entirely submits to the pleasure of this House. *Proposed* the Lady to have half the linen instead of the bed. *Disagreed*. This is taken to be perfecting this agreement, as to the payment of the first 100*l.* *Agreed*. *Proposed* to require of the Lord and Lady that their agents despatch this matter. *Agreed*. *Ordered*, If any difference arise, either party is to repair to the Lord Chief Justice to adjust matters between them, all [?as] agreed by the House. MS. Min. No entry in L. J.]

Annexed:—

- (a) 18 March. Answer of Nathaniel, Viscount Saye and Sele. At the time of the death of Respondent's father William, the late Viscount, Respondent's friends had very great difficulty in preventing Petitioner, his father's second wife, from taking possession of the whole estate, real and personal. Shortly afterwards the closet in Respondent's house at Broughton,

where the family papers were kept, was opened in the presence of Mr. Cox, on Petitioner's behalf, and Mr. Herbert, the late Lord's steward, and Petitioner's agent, and, after an offer to examine and schedule them had been declined, the closet was sealed up by agreement and the key delivered to Herbert. Then an inventory was made of the goods, among which, he believes, was some of Petitioner's wearing apparel, of very little value, which has never been demanded and which he is willing to give up. Since his return to England, he has looked at the papers, but found none relating to Petitioner's demands. If any are found, he will give them up. He never admitted her right to 300*l.* a year or to the Bromby estate, and the only evidence of such pretended rent is the printed Case referred to by her, which ought not to conclude him, as it was hastily prepared by his friends in his absence on wrong information. It is not reasonable to suppose such provision was made for her, as she was only a second wife, married without previous treaty, not without some artificial management and surprise on the late Lord, and brought no fortune. The 113*l.* given her by Respondent was no part of the pretended rent, but a loan for her support pending the settlement of the disputes between them. These were, by agreement, referred to the arbitration of three Lords, but Petitioner refused to accept the terms proposed by them, and, to maintain a Will which she set up, disclosed transactions which a due regard for her husband's memory ought to have induced her to keep secret. The pretended Will stands condemned by the Ecclesiastical Court, and any settlement, which she can pretend to, will no doubt turn out to have been unfairly obtained. Denies any thought of starving Petitioner, but on the contrary, in spite of her disregard of his father's memory, is willing to allow her 300*l.* a year, if she will withdraw her other claims; otherwise he hopes it will not be thought dishonourable or unreasonable that he should insist on his Privilege. *Signed* Say and Seale. *Endorsed* as brought in this day.

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1597. March 11. Lindsey Level Bill.—Amended\* Draft of an Act to confirm the decrees made by the Commissioners of Sewers concerning the draining of Lindsey Level. (For the most part illegible, from the effects of damp.) Whereas the fens called Lindsey Level in the county of Lincoln, extending itself from Bourne to Keyme-Ea, and from thence to Lincoln, containing about 92,000 acres of ground, was for 100 years before, and in the reigns of Queen Elizabeth, King James I., and more particularly in 5 Car. I., so much overflowed and hurtfully surrounded with water that the same was rendered useless for the greatest part of the year to the inhabitants and commoners of the towns adjacent, and the charge of draining it being found greater than could be borne by the persons then liable to pay the same or would be undertaken by the lords of the adjoining manors or by the neighbouring gentlemen, the Rt. Honble. Robert, then Earl of Lindsey, was, at the humble request of the said lords of manors, inhabitants, commoners and Commissioners of Sewers, recommended by King Charles I. as a proper and capable person to undertake the draining of the said fens; and whereas in pursuance of their proposal made to his

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\* Additions in italics, omissions in square brackets. The margin of the Bill is marked where amendments are to come in. These are not given on the Draft, but are supplied here from MS. Min. 15 April 1701.



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said Majesty King Charles I., the said lords of manors, inhabitants and commoners interested in the said fens contracted and agreed with the said Earl that the said Earl and his participants should have 24,000 acres for draining all the said fens lying between Bourne and Lincoln, and should be put into possession of 14,000 acres, part of the said 24,000 acres as soon as such part of the said fens as lies between Bourne and Keyme-Ea should in the judgment of the Commissioners of Sewers be sufficiently drained; which contract was afterwards decreed by the then Commissioners of Sewers, and their decree was confirmed by the Royal Assent and enrolled in the High Court of Chancery; and whereas, in performance of the said agreement on his part, the said Earl, together with Sir William Killigrew, Knt., Sir Edward Heron, Knt., and divers others, their joint undertakers, participants and adventurers, in 12, 13 & 14 Car. I., at their charge of 80,000*l.*, so effectually drained all the said fens betwixt Bourne and Keyme-Ea that the Commissioners of Sewers upon a view thereof adjudged the same to be sufficiently drained, and 14,000 acres, part of the said fens, were, pursuant to the said contract and by decree of the said Commissioners confirmed by the Royal Assent and enrolled in Chancery, allotted to and put into the possession of the said Earl, Sir William Killigrew, Sir Edward Heron and others, their joint undertakers, participants and adventurers, who divided the same amongst themselves, enclosed their shares, built houses thereon, ploughed, sowed and enjoyed the same quietly for almost three years, and until the beginning of the unhappy Civil War in 1641, when many riotous people violently entered upon and destroyed their plantations, burned their corn then growing, pulled down their houses and ruined some of their drains, and have by force kept possession thereof ever since; And whereas the said Earl of Lindsey, Sir William Killigrew, Sir Edward Heron and others, their joint undertakers, participants and adventurers, are all dead since, and their interests of, in and to the said undertaking, contract, decrees and land, agreed on for a recompense of the said draining, or the greatest part thereof, are come and descended to or otherwise vested in Sir Robert Killigrew, Knt., Henry Heron, Thomas Wyndham, Edward Heron, William Killigrew, John Petteward and Henry Killigrew, Esquires, who are desirous to complete the draining of the said whole Level and ought to have the benefit of the said contract and decrees; but are, contrary to law and good government, riotously opposed and obstructed in both by vast numbers of evil-minded people, to the great detriment of the country, as well as loss of the said undertakers, which mischief cannot be redressed by the ordinary course of justice; To the end, therefore, that so public and beneficial a work may proceed and be preserved, and the said undertakers encouraged therein and restored to their right, which has been so long and unjustly detained from them. The Bill, therefore, enacts that the said contract and the decree of the Commissioners of Sewers made in pursuance thereof are ratified and confirmed; that from the *twenty-fourth day of June* next the 14,000 acres allotted shall revert to the possession of and be vested in the present undertakers and of any other persons claiming under the contract, decree, allotment, or any conveyance, according to their several proportions, freed from all arrears since 1641 of the tax of 10*d.* an acre payable to the Crown, which shall be payable only by the persons who have enjoyed the lands during that time, or their heirs; that the undertakers and any joint-undertakers with them may drain the part of Lindsey Level between Keyme-Ea and Lincoln, provided the work is completed before the *twenty-fourth day of June one thousand seven hundred*

*and six*; and when that work has been completed to the satisfaction of Commissioners, to be hereafter named, the latter shall set off 10,000 acres of the drained land and divide them among the undertakers and any joint undertakers with them, freed from any incumbrance. And for the better enabling the said undertakers to complete the work, they and their servants may have access with horses, carts, &c., to any lands, either within or without the Level, and make any cuts, drains, or other works they may think fit for draining the Level, paying such compensation as may be agreed on, or failing agreement, as shall be adjudged by the Commissioners or any five of them; provided that they shall not obstruct the fall of the waters into the river Gleane [Glen], or take water from it, but shall suffer it to pass Pinchbeck and so on to the sea, as now. The undertakers, &c., and their servants shall not be interfered with in their work by the Commissioners of Sewers, and any person wilfully damaging any of their works shall pay for the damage caused thereby and repair at his own expense, and shall incur the pains and penalties imposed by Act of Parliament for cutting the Pow Dyke, in Marshland, in Norfolk. And for the better and more speedy effecting the draining of that part of the said Level yet undrained, the undertakers have power to make agreements or contracts for the work, and give any part of the 14,000 or the 10,000 acres, or any sum of money therefor, which agreements or contracts shall be binding on all having any claim on the said land. And for the better preserving the said 14,000 acres, already drained and allotted, and the said 10,000 acres, to be hereafter drained and allotted, from being again overflowed, the undertakers and all persons possessing 300 acres of the said land in their own right, or any *five* of them, shall have the same powers with regard to the said land as Commissioners of Sewers can have to make orders or rules and assess rates and levy them by distress if unpaid for *twenty days*, and, if sufficient distress cannot be found, to sell the inheritance, restoring the overplus to the owner. [And be it further enacted by, &c., that [blank] shall be Commissioners to adjudge, determine and execute the matters and powers by this Act to be adjudged, determined, and executed by them]. And lastly, in any suit brought by reason of anything done under this Act, the defendants may plead the general issue, and give this Act, the Earl's contract, or the decrees, or authentic copies thereof, or any other special matter, in evidence; and the plaintiffs, if unsuccessful, shall pay to the defendants *twenty pounds*. [Read 1<sup>a</sup> this day, pursuant to Petition (Annex (a)), and committed to C. W. H. on 17 March. L. J., XVI. 618, 625. On 15 April, in C. W. H., L. Willoughby in the Chair, Counsel were heard for Petitioners against the Bill (*see Annexes (b) and (c)*). The Petition of Sir William Massingberd, Sir Charles Orby, &c., read. *Mr. Serjeant Selby* heard for Petitioners: This establishes the most arbitrary proceeding in the world. It invades the properties of thousands of people. *Mr. Pooley* heard also for the Petitioners and country: They say they have a legal title. Then no need of the Bill. If not, this is not the way to try it. *Mr. Dodd* heard for the Bill: We have a just pretence for this Bill. This Bill was never rejected upon the merits of the Cause. *Mr. Phipps*, for the Bill: What can we do against so many thousands of people? *Mr. Killigrew* heard for himself and the Bill. *Serjeant Selby* heard in reply. They read an agreement with the E. Lindsey formerly in this case, and a decree made for the possession of 14,000 acres. *Mr. Selby* and *Mr. Pooley* heard in reply. Counsel withdrew. House resumed, and *L. Willoughby* reported that the Committee had heard the Counsel for and against

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- 1700-1701. the Bill. After some time, House in Committee again. Preamble read and postponed. First enacting clause read. House resumed.  
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 No. 1597. *Moved* to put off the further consideration of this Bill for three weeks. After some time, House in Committee again, and the Bill was amended as noted above, agreed to, and reported. The amendments were agreed to on Report. *On Question*, Whether this Bill shall be engrossed? *Resolved* in the negative. *Ordered* that the Bill shall be rejected. MS. Min. L. J., XVI. 653.]

Annexed:—

(a) 24 Feb. Petition of Sir Robert Killigrew, Knt., Thomas Wyndham, Edward Heron, Henry Killigrew and William Killigrew, Esqs., on behalf of themselves and the rest of the drainers of Lindsey Level. Great part of the county of Lincoln between Bourne and Lincoln containing a Level of about 80,000 acres of overflown wastes, upon the skirts whereof the inhabitants of several of the adjoining towns had common in dry seasons for their younger cattle, and the said inhabitants being prejudiced of receiving any benefit thereby, they with general consent petitioned the Commissioners of Sewers for those parts to have the said Level drained, and prayed them to propose a considerable part of those lands for recompense to those that would undertake the same. The Commissioners acquiesced, and proposed to give their utmost assistance, but could not prevail with any lords of the adjoining manors to undertake the drainage. At the further instance of the inhabitants, the Commissioners petitioned King Charles I. to recommend undertakers, assuring him they would decree 24,000 acres of the overflown wastes to them for draining part thereof. The King desired Robert, E. Lindsey, to undertake the work, not only as an act which would endear him to the whole county, but as a public service, and promised the Royal Assent to the decree and to a Bill confirming it, and his countenance and assistance from time to time. The Earl pressed Petitioners' ancestors to join him in the undertaking promising them several proportions of the 24,000 acres, and on their consenting the King thanked them and the Commissioners and thousands of the inhabitants received them with all imaginable acknowledgements of thanks and acclamations of joy. The draining was begun in 1634, and part of the Level was drained at an expense of 80,000*l*. For this 14,000 acres were decreed, with the consent of the Crown, and put in the possessions of the undertakers and subdivided among them; great part was built upon and ploughed and sowed, the inhabitants reaping extraordinary advantage from the drainage; the draining of the remainder of the Level, for which 10,000 acres more were to be decreed, was soon after to be undertaken also. The inhabitants of the neighbouring towns, however, taking advantage of the public national troubles in 1641, riotously entered into the 14,000 acres, destroyed the buildings, fences, and growing crops, and have forcibly held the lands in common ever since, in spite of many legal and amicable endeavours by Petitioners' ancestors to regain them. Two Bills to confirm the decree formerly passed the Lords, but were delayed in the Commons, and when, once, all differences were arranged, the sudden end of the Session put an end to the Bill. Petitioners now hope their grievances will be redressed and the merits of the undertakers recognised in draining the Level, whereby the public has been much benefited and enriched. Pray, for

property and justice sake, and as subjects aggrieved and deprived of their just rights and estates, for leave to bring in a short Bill to confirm the decree. *Signed* Robert Killigrew, Tho. Wyndham, Hen. Killigrew, Wm. Killigrew, Ed. Heron. L. J., XVI. 606. [See Note above.] 1700-1701.  
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No. 1597.

(b) 22 March. Petition of Sir William Massingberd, Sir Charles Orby, Tho. Lister, Esq., Richard Wynne, Esq., and Robt. Cawdron, Esq., and others, on behalf of themselves and sixty towns and villages adjoining to and claiming common in the fen called Lindsey Level, in the county of Lincoln. Petitioners hear that great endeavours are being made by persons who pretend to be the heirs of some undertakers who 60 years ago made a pretence of draining the fens, and that they were to have 24,000 acres for their own use, although the said fens were never drained by them. For this end these drainers and their participants have brought this Bill to drain the fens and enclose the 24,000 acres. This will divest Petitioners and above 60 neighbouring towns of their right of common which they have enjoyed time out of mind. These pretended drainers have for 50 years past disturbed the whole country and harassed the inhabitants by complaining to Parliament. Their pretences are well known to most of the members of both Houses, and on several Hearings at the Bar of the Commons in several reigns, their Petitions and Bills have been always thrown out, their last Petition *nemine contradicente*; and they never reaped any benefit by such complaints, nor ever had quiet possession of any part of the lands. Pray they may be protected in their liberties and properties and right of common, and that the Bill may be rejected. *Signed* Ch. Orby, Stepn. Hutchinson, Willm. Massingberd, Tho. Webberley, Edw. Ayscoghe, Edwd. Dymoke, Richd. Wynne, Robt. Cawdron, Geo. Langton, Ja. Groundman, Tho. Lister, S. Oldfield. L. J., XVI. 632. [See Note to first paper.]

(c) 12 April 1701. Petition of Thomas, Lord Raby. Petitioner has a rightful inheritance by purchase for a valuable consideration to the Eight Hundred Fen, from John Orme, of Swinshead Abbey, Esq., lord of the manor, which the drainers are well acquainted with; but they pretend it is part of Lindsey Level, and that they have a right to cut through it without first agreeing with Petitioner. They never acquainted Petitioner with their having brought in this Bill, nor got his consent, and one of them, John FitzGerald, lays an unjust claim to the Eight Hundred Fen. Forasmuch as Petitioner is going as Envoy for the King to Prussia, or some other foreign part, and his agents are not fully instructed in the matter, and inasmuch as the presence of John Orme and others, now in Lincolnshire, is necessary to prove Petitioner's title and other matters, he prays that the Committee be put off for a month, and that he be fully heard by Counsel on the Bill. *Signed* Raby. L. J., XVI. 650.

1598. March 11. Fawconer's Estate Act.—Amended Draft of an Act for vesting *and settling*\* several messuages, lands and tenements belonging to John Fawconer, Esquire, in trustees, to be sold for payment of debts. The amendments, made in the Select Committee, in addition to the amendment in the title, were to add, towards the end of the preamble and in the first enacting clause, the words which except the

\* These words were added by the Select Committee.



- 1700-1701. capital message, &c., where John Fawconer lived from the property to be vested, and to substitute the words in the Act, which define the purpose of the sale by the trustees and the settling of the residue, after payment of debt, &c., down to the general saving clause, for more general words, not specifying the amount of the debt to be paid off. On 27 March 1701 the Select Committee ordered Mr. Fawconer to propose particular lands whereon the jointure of Mrs. Fawconer should be secured, and on 29 March the parties offered a paper of amendments (Annex (b)). The amendments were agreed to. Com. Book. The Commons' amendments were of a drafting nature. C. J., XIII. 522.

[Read 1<sup>a</sup> this day. Royal Assent 12 June 1701. L. J., XVI. 618, 739. 13 Will. III. c. 28 in Long Cal.]

Annexed:—

- (a) 10 March. Petition of John Fawconer, Esq. About 28 years ago, on his marriage with his now wife Elizabeth, daughter of Richard Neville, Esq., deceased, Petitioner settled his estate in Hampshire, appointing Richard Neville and Richard Rainsford, Esqs., to be trustees. In this settlement Petitioner was made only tenant for life, and his wife had a jointure. There has been no issue of the marriage, but by divers losses and accidents Petitioner has contracted debts which he cannot pay without being enabled by an Act to sell part of the settled estate, to which his wife and the trustees consent. Prays leave to bring in a Bill. *Signed* Jo. Fawconer. L. J., XVI. 617.
- (b) 29 March 1701. Paper of amendments offered by the parties this day in the Select Committee, pursuant to Order of 27 March, and agreed to. Com. Book.

1599. March 12. Foreign Affairs (Treaties, &c.).—Copies of texts and translations and treaties between England, France, Sweden and the States General, with relative papers, delivered on 26 Feb. and 6 March. L. J., XVI. 608, 614-5. The translations were read on 12 March, together with papers relating thereto, of later dates. *Ib.* 619-20.

[On 12 March the House, pursuant to Order of 10 March,\* took the treaties into consideration. *Moved* to see the instructions those had who were to treat in the separation, what the commission and what the instructions were. The instructions and the letters of credence are in the Secretary's office. *Moved* to send to his Majesty for all the letters of credence and instructions to the Commissioners of the separate Treaty of Spain. *Moved* that the L. Chamberlain humbly move his Majesty that all matters any way relating to the negotiations of the treaties be laid before the House. *Agreed.* MS. Min. L. J., XVI. 619, 620. On 13 March the L. Chamberlain acquainted the House that he had acquainted his Majesty with the desire of this House. That his Majesty had given orders for them to be brought, as desired, and he thought Mr. Yard was at the door with them. Mr. Yard was called in and asked if he had all the papers relating to the treaties. *He says* he has. *Mr. Yard* came to the Table and opened his trunk, and says he had all the papers. He delivers copies of the powers given to treat. The power given to E. Portland read. *Ordered* Lords be summoned to attend to-morrow and told the business of treaties. MS. Min. L. J., XVI. 621. On 14 March *Mr. Yard* delivered the 5 papers, mentioned in L. J., XVI. 622, which were all read by the Clerk. *Moved* to appoint a Committee to represent to the King a method

\* L. J., XVI. 618.

for making treaties for the future. *Moved* to consider in what manner to apply to the King that this manner may be prevented for the future; in the most decent and most respectful manner to represent to the King that anything of this nature may be prevented for the future. This method of acting is not agreeable to our Constitution. *Moved* to confer with the House of Commons in this matter. A Committee appointed to state the matter of fact that appear to this House upon this Treaty and the methods taken on it, and then desire a Committee of the House of Commons to meet and consider the methods to prevent the like for the future. Lords' Committees appointed to state matters of fact upon the treaties and the circumstances relating to them.\* Lords' Committees appointed to draw an Address to be presented to his Majesty upon the debate this day in the House. Then this was cancelled and the reference was made to read as in L. J., XVI. 622. MS. Min.

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No. 1599.

On 15 March, at the Select Committee, E. Nottingham in the Chair, a statement of the facts as to the Treaty now in debate under several heads was proposed. Com. Book. L. J., XVI. 623. *In extenso*. This statement was reported specially the same day and read. After debate the first head was amended. *Ib.* 623. On debate the second head was negatived. Contents 24, Not Contents 40: Tellers, E. Stamford, E. Peterborough. Leave to protest was given. The third head was, after debate, negatived without a division, though several Lords protested. A debate arose on the 4th and 5th heads, which were adjourned to Monday the 17th. MS. Min. L. J., XVI. 624-5.

On 17 March, on the Order for resuming the debate on the 4th head being read, E. Marlborough acquainted the House that he had leave from his Majesty to speak: About 8 o'clock we met at E. Portland's lodgings. Mr. Secretary proposed. The Treaty was read. L. Somers took it into his hand and made objections to it. Final one. The Archduke's going into Spain. I said it might be prejudicial to trade to give the French so much. My Lord said the French desired more. There was something said of the Emperor too. About 10 we rose. This is all I remember. About beginning [of] February twelvemonth. L. Somers heard. L. President heard. L. Halifax heard. E. Portland: We were to communicate to those lords the form [foree?] of the treaty. L. Chamberlain heard. *Moved* to send to the House of Commons to desire that Mr. Secretary Vernon may attend in this matter. Message sent. L. J., XVI. 625. *In extenso*. *Ordered* the same Committee as before to draw the Address and to meet presently in the Prince's lodgings. MS. Min. L. J., XVI. 625. At the Committee, E. Nottingham in the Chair, Mr Secretary Vernon, being at the door, was called in and acquainted that several Lords have been heard as to what passed at a meeting of some Privy Counsellors, whereof he was one, relating to the Treaty of Partition. He spoke to the effect following: I attended some Lords when there was a draft of a Treaty of Partition read to them. There was notice taken there of the prohibition therein [of] the Archduke's coming into Spain and of demolishing forts, and that, if either should be done, there might be an engagement in a war. There was nothing more then. Objections made. There were no resolutions taken. He remembers no more relating to this meeting. Q. Know you anything more relating to this Treaty? A. Nothing occurs to me that I think fit for your Lordships' information. He withdraws. Com. Book. Then the House was resumed and E. Nottingham reported that the Committee had met and Mr. Secretary

\* Substituted for the words, treaty, and the methods of making it.



- 1700-1701. Vernon attended. Mr. Vernon said he was at such a meeting upon the Treaty. Final [Treaty] was talked of, and that of the Dauphin also.  
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 No. 1599. There was no resolution taken at that meeting. *Moved* to go on with the Address. Then the 4th and 5th heads were read. After having heard several Lords and Mr. Secretary Vernon, relating to this matter, and debate thereupon, [*Moved*] That it does not appear to us that the draft of the Treaty, when perfected, was considered at any Council where the King was present, nor that it was advised or approved by any Council or committee of Council. Then the following words were read, [in head 4] That there were no instructions in writing to our plenipotentiaries, though the powers were unlimited. After debate, *Agreed* to leave out these words. [Then the following words were considered.] Whatever verbal order or instructions were given, yet it appears not to us they were considered in any Council, and that it does not appear to us that the draft of the Treaty, when perfected, was considered at any Council where the King was present, or that it was advised or approved by any Council or committee of Council.\* *Agreed to.* Then the 6th and 7th heads were agreed to be left out, and further consideration adjourned till to-morrow. MS. Min. L. J., XVI. 625.

On 18 March *Moved* to consider of the adjourned debate yesterday upon consideration of the Treaty of Partition, that there were not powers given to the plenipotentiaries. Milan [h]as to belong to King [of] France by papers from France. *Agreed* to desire E. Portland and E. Jersey to attend. The House went on [with] the business of the day, pursuant to the Order of yesterday, concerning Treaty of Partition. *Proposed* that since it appears there were powers, dated 1st July, to treat with the Emperor the Dutch and French Ministers for securing the mutual friendship upon terms most suitable to their circumstances at that time; and we are informed accordingly there was some progress made in that negotiation; but afterwards there were new powers granted 1 Jan. to treat with the French and Dutch Ministers only for the partition of the Spanish monarchy and the Treaty concluded without the Emperor. After debate, the *Question* was put, Whether the paper now read shall be one of the heads whereof the Committee shall make mention in the drawing the Address? *Resolved* in the negative. Several Lords protested. It was taken notice that there was mention made in a printed book, [entitled] The Capit[ul]ation of France, of the French King's having Milan. *Moved* that the Committee be appointed to meet to-morrow to draw the Address. *Proposed* to advise the King [that he] should never treat with this King [of France] with any paper treaty, but have matters of fact for the future. That it appears that the French King, his acceptance of the Will of the King of Spain, is a manifest violation of the Treaty, and humbly to advise the King that in all future treaties with France he do not depend upon paper treaties only, without better security. The *Question* was put, Whether the debate upon this matter shall be adjourned? *Resolved* in the negative. Contents 31, Not Contents 38: Tellers, E. Feversham, L. Ferrers. MS. Min. The paper was read, and, after some alterations had been made, it was agreed to be a head for the Address, although several Lords again protested. L. J., XVI. 626. *In extenso.*

On 19 March, at the Select Committee, E. Nottingham in the Chair, the heads agreed to by the House for an Address are read. A draft of

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\* These words are practically identical with heads 4 and 5. See L. J., XVI. 623.

an Address was read entire and afterwards by paragraphs, agreed to, and ordered to be reported. Com. Book. On 20 March the Address\* was reported and agreed to by the House with one little amendment at the beginning. There was a division and the proposal to communicate it to the Commons for their concurrence was negatived. Contents 27, Not Contents 45: Tellers, E. Stamford, E. Nottingham. MS. Min. On 24 March, the day appointed by the King for receiving the Address from the whole House, the House, before adjourning, agreed to meet at Kensington. MS. Min. On 28 March 1701 *Moved* that there is some mistake in the entry of 17th March last upon the Partition Treaty—some things were left out of the matters of fact reported from the Committee in the Journal. *Ordered* Committee [of the] Journal to inspect the entry presently, and ten Lords added to the Committee. L. J., XVI. 636.†

1700–1701.

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No. 1599.

On 1 April the Commons desired a Conference upon matters relating to the Treaty of Partition. L. J., XVI. 641. The Conference was held and reported the next day. *Ib.*, 642. The House then went into consideration of this Report. *Moved* to appoint a Committee to consider what is fit to be communicated to the House of Commons in this case. The Journal of 14 March read. 15 March read, and the Protestations also, 17, 18, 20 and 22 March read. Notice taken that the Commons have copies of the Journal. Though there is notice in the Journal of powers to the plenipotentiaries, which powers they have not. *Proposed* that those powers be communicated to the Commons. *Agreed* that copies of the powers given to the E. Portland be communicated to the Commons. *Moved* that the Lord in the Chair of the Committee inform the House of what was told at the Committee appointed to draw the Address. *Proposed* that the Lords of the Committee assist the Lord that was in the Chair to put in writing what was said at the Committee by E. Portland. *E. Portland* heard [as to] what he said at the Committee, and he repeated it out of a paper which he collected yesterday upon the reports he heard. *E. Nottingham* acquaints the House with what E. Portland said at the Committee. *Several Lords Committees* were heard as to what they remember the E. Portland said. *E. Portland* wishes he had the coun[terpart] of the letter. No person keeps private letters. *Proposed* to consider whether any paper shall be sent down of what was said at a Committee. *Moved* to adjourn the debate upon the Report of the Conference had this day with the Commons Debate adjourned till to-morrow. MS. Min.

On 3 April the Order was read for resuming the debate. There is then the following expunged entry in MS. Min. The E. Portland offered and read some paper to the House, being, as he remembers, what he said at the Committee. This paper was read by the Clerk. L. J., XVI. 643. *In extenso*. *Moved* to send for a Conference and communicate the powers and this paper delivered [by E. Portland]‡ to the Commons. After debate, *Proposed* Lords Committees [be] appointed to draw upon the debate what shall be added to the paper read. The *Question* was put, Whether the paper that has been read shall be communicated to the House of Commons? *Resolved* in the affirmative. Some words proposed to be added to the paper to be communicated to the Commons, viz.:—That some Lords think they remember. Then

\* L. J., XVI. 628, 629. *In extenso*.

† In the Journal E. Bradford's name is included amongst those of the Peers added to this Committee. In the MS. Min. the name of the Bishop of Oxford is inserted; E. Bradford's name does not occur.

‡ These words are expunged.



- 1700-1701. follows an expunged entry, viz.:—The L. Portland asked if the Lord Soñers' name was in the letter he received from Mr. Seeretary Vernon.  
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 No. 1599. His Lordship says, if there had been any such thing in the letter, he had deceived the House if he had not put it in the paper. MS. Min. For this entry rather different entries were substituted. L. J., XVI. 643.

On 9 April, in Select Committee, the agreement of the House of the 2nd instant, that the powers given the E. Portland to negotiate, &c., was read out of the Journal. The paper delivered into the House by the E. Portland on the 3rd instant was read out of the Journal, as was also the question asked his Lordship by the L. Soñers, and the answer thereto; and copies of the said powers, as likewise the said Earl's paper, with the said question and answer were ordered to be transcribed to the end they may be delivered the Commons at a Conference. Com. Book.

On 10 May the House went into consideration of the translation of States General letter to his Majesty 13 May 1701. L. J., XVI. 674-5. *In extenso*. Thanks to the King for the letter. To advise his Majesty to enter into a league offensive and defensive with Holland, and to make such other alliances as may secure the balance of Europe and for hindering too strict a union between France and Spain, and securing the Protestant religion. *Ordered* that a Committee draw the Address. MS. Min. L. J., XVI. 677.

The papers are as follows:—

(a<sup>1</sup>) 26 Feb. Treaty of Defensive Alliance between England and Holland, with separate articles. *Signed* at Westminster, on 3 March 1677-8. Finch C., Danby, Arlington, H. Coventry, J. Williamson, Benninghen. *French Text*. Printed at length, with some inaccuracies, in a work entitled "Recueil des 'Traités de Paix, d'Alliance, de Commeree, et d'autres Actes Publies, &c., &c.," published in Amsterdam in 1700, Vol. IV., pp. 380-1. *Endorsed* (1.) Delivered by L. Chamberlain this day. L. J., XVI. 608. [The translation (*see next paper*) was read on 12 March.]

(a<sup>2</sup>) 26 Feb. Translation of preceeding, as follows:—

Whereas, the Most Serene King of Great Britain, besides the strict engagements he is already entered into with the States General of the United Provinces, for the preservation of the Spanish Netherlands and the support of the common interest of this part of Europe, is very desirous to come at the same time into a perpetual defensive league with the said States, for the mutual preservation of each other, their subjects and countries, against all those that should undertake to attack them, or molest or injure them, in any wise whatsoever. And the said States being likewise desirous, on their part, to enter into the said perpetual alliance of a defensive treaty with his Majesty, have given power to Mr. Van Benninghen; their Ambassador with his said Majesty, to treat and conclude the said alliance, his said Majesty having named on his side for Commissioners, Heneage, Baron Finch, Lord High Chancellor of England, Thomas, Earl of Danby, Lord High Treasurer of England, Henry, Earl of Arlington, Lord Chamberlain of his Majesty's household, Henry Coventry, Esq., and Sir Joseph Williamson, Knt., his Majesty's Principal Secretaries of State; the said Commissioners and the said Ambassador after several meetings and conferences, have, by virtue of their respective powers, copies whereof are inserted at the end of these presents, agreed and concluded that which follows:—

(1.) There shall be for the future, between the King and his successors, Kings of Great Britain and his kingdoms, on one, and the

States General of the United Provinces on the other side, their states and territories belonging to them and their subjects reciprocally, a sincere, firm and perpetual friendship and good correspondence, as well by sea as by land, in all things and everywhere, both without and within Europe. 1700-1701.  
—  
No. 1599.

(2.) Moreover, there shall be between his Majesty and his successors, Kings of Great Britain, and his kingdoms, and the said States General and their states and territories belonging to them, a strict alliance and faithful confederation for the mutual preservation and maintenance of each other in tranquillity, peace, amity and neutrality, by sea and by land, and in possession of all the rights, privileges and liberties they enjoy, or have right to enjoy, or which they have acquired or shall obtain by treaties of peace, amity and neutrality heretofore made, or which shall hereafter be made, jointly and in common concert with other kings, republics, princes and cities, yet all this within the extent of Europe only.

(3.) And, therefore, they both promise and oblige themselves to keep not only all the treaties which his Majesty and the said States General have already made with other kings, republics, princes and states, which shall be exhibited by both parties before the exchange of the ratifications, but also all those which they shall make hereafter jointly and in common concert, and to defend, assist and maintain one another reciprocally, in the possession of their countries, cities and places which at present belong, or hereafter shall appertain, as well to his Majesty and his successors, Kings of Great Britain, as to the said States General by the aforesaid treaties in whatsoever part of Europe the said countries, towns and places are situated, in case that in what is above mentioned, his Majesty or the said States General shall be disturbed or attacked by any hostility or open war, by whom or upon what pretence soever.

(4.) The reciprocal obligation to assist and defend each other is likewise understood, for preserving and maintaining his Majesty and the said States General, their countries and subjects, in all their rights, possessions, immunities and liberties, as well of navigation and commerce, as in all other respects both by sea and land, which shall belong to them by common right, or which they shall acquire by treaties made, or to be made, as aforesaid, against all kings, princes, republics or states; so that if in prejudice of the said tranquillity, peace, amity and neutrality, present or future, his Majesty or the said States General shall hereafter be attacked or in any other manner whatsoever disturbed, in the possession of the dominions, territories, towns and places, rights, immunities and liberties of commerce, navigation, or otherwise which his Majesty or the said States General enjoy at present, or shall have right to enjoy by the common law, or by treaties already made, or which shall be made as aforesaid, his Majesty and the States General, having notice thereof and being desired one by the other, shall jointly do their utmost to stop any disturbance or hostility, and to procure satisfaction for the wrong and injuries done to one of the allies.

(5.) And, in case the said attack or disturbance should be followed by an open rupture, he of the two allies that shall not be attacked shall be obliged to break two months after the first request of the ally that shall already be in the rupture, during which time he shall do his endeavours, by his ambassadors or other ministers, to mediate an equitable agreement between the aggressor or disturber and the attacked or disturbed, and notwithstanding shall, in the meantime, give a strong succour to



1700-1701.

No. 1599.

his ally, such as shall be agreed on by some separate articles between his Majesty and the said States General, which, though there be no mention made of them in the present article, shall be kept and observed as if they were therein inserted and written. However, after the expiration of the said time of two months, it shall be left to the choice of him of the allies that shall be in the rupture, to continue to enjoy the advantage of the said succour, in case the conjuncture of the time and the state of his affairs make him to prefer the effect thereof before that of an open rupture of his ally.

(6.) The reciprocal guarantee being in this manner settled and promised when either of the allies shall be attacked or disturbed, if the State of the United Provinces comes to be attacked and shall be obliged to enter into an open war, his Majesty shall be likewise obliged to break with the aggressor or disturber, and to employ all his power and all his forces by sea and land and to join them with those of the said States General, when it shall be thought convenient in order to bring the common enemy to an honourable, safe and equitable agreement with Great Britain and the said United Provinces.

(7.) And in this case the forces of his Majesty of Great Britain and of the said States General shall act jointly and separately, according to what shall then be more particularly concerted between his Majesty and the said States General, who together shall advise and resolve upon the most proper ways and means to annoy the common enemy, either by way of diversion or otherwise, to the end, as is aforesaid, that he may the sooner be brought to an agreement.

(8.) The same that is contained in the two articles, which do immediately precede this, shall be performed by the said States, in case England shall be attacked or disturbed in the manner aforesaid.

(9.) When once the war is begun by both allies, according to the present Treaty, neither of the allies shall make any cessation of arms with him that is declared and owned for an enemy, unless jointly and by common consent.

(10.) If it should happen that a negotiation should be entered upon, either to treat of a peace or a truce for some years, the same shall not be commenced by either of the allies without the participation of the other, and without his procuring at the same time, and as soon as to himself, the liberty and security requisite and necessary for sending his Ministers to the place of treaty, as also shall communicate constantly, and from time to time, all that shall pass in the said negotiation. And neither the one nor the other shall come to a conclusion of the said peace or truce, without comprehending therein his ally, and restoring him, if he desires it, to the possession of his country, territories or places, and to the enjoyment of the rights and immunities which he held and enjoyed before the war, and without stipulating with the common enemy for this ally the same rights, immunities, exemptions and privileges as for himself, unless it shall be otherwise agreed between the allies.

(11.) It shall be permitted to him of the allies that shall be attacked, to raise all sorts of men fit for war in the dominions of the other, to serve in their land armies, provided it be done by capitulations such as both parties shall agree upon between themselves.

(12.) The ratification of this present Treaty shall be given in due form, and exchanged on both sides within the space of four weeks from the signing hereof.

In Witness whereof, the said Commissioners and the said Ambassador . 1700-1701.  
have signed and sealed these presents. Done at Westminster, the —  
3rd March, 1677-1678. . No. 1599.

FINCH, C. (L.S.)                      BENNINGHEN (L.S.)  
DANBY (L.S.)  
ARLINGTON (L.S.)  
H. COVENTRY (L.S.)  
J. WILLIAMSON (L.S.)

## SEPARATE ARTICLES.

(1.) If the case, mentioned in the 5th article, shall happen, the said King and his successors and the said States General shall be obliged mutually to assist each other as often as they are attacked or disturbed, as it is more at large expressed in the said article, with succour, viz: his Majesty of Great Britain, the States General with 10,000 foot, and the said States General his Majesty with 6,000, well armed, under such regiments, companies, colonels and other officers, as his said Majesty and the said States shall think fit and judge most proper for such an assistance; and with twenty men-of-war, well equipped and provided. And the said succour shall be delivered and maintained at the cost of him that sends the same for the service of him that shall be attacked.

(2.) If the necessity of affairs makes it judged and acknowledged that the succour promised and granted ought to be augmented, the said King and States General shall use their endeavours to agree about it.

(3.) The succour which shall be sent, shall be wholly under the command and order of him to whom it is sent, to make use thereof and carry them to such places as he shall think fit, by water and land, in the field, at sieges for the guarding of places and wheresoever his necessity or advantage shall require. In Witness whereof, the Commissioners of the King of Great Britain and the Ambassador of the States General have signed and sealed these separate articles. Done at Westminster, the 3rd of March, 1677-8.

FINCH, C. (L.S.)                      BENNINGHEN (L.S.)  
DANBY (L.S.)  
ARLINGTON (L.S.)  
H. COVENTRY (L.S.)  
J. WILLIAMSON (L.S.)

*Endorsed* (2). Read in Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 619.]

(b<sup>1</sup>) 26 Feb. Renewal of treaties between England and the States General of the United Provinces. *Signed* at Windsor, on 17th August, 1685. Rochester, Halifax, Sunderland, Middleton, Baron de Wassemaer Duvenvoirde, Arnout van Citters, De Weede. *Latin Text*. Printed, with some variations and inaccuracies, and with the omission of the first paragraph, down to "Whereas" (see next paper) in Du Mont's Corps Diplomatique, Amsterdam, 1731, Vol. VII., Part II. pp. 110-1. *Endorsed* (3). [Delivered this day. The translation (next paper) was read on 12 March. L.J., XVI. 608, 619].

(b<sup>2</sup>) 26 Feb. Translation of preceding, as follows:—

James the Second, &c. We are willing to make appear to all and singular whom it does or may any way concern, that whereas the High and Mighty Lords, the States General of the United Netherlands, desiring to renew and confirm friendship with us, have sent to us



1700-1701. Ambassadors Extraordinary, Commissioners being likewise appointed on our part, and armed with full power, copies of which powers on  
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 No. 1599. both sides are inserted at the end of these presents, an agreement was made and concluded, the 17th day of August, in the Royal Castle of Windsor, in the manner following:—

Whereas the High and Mighty Lords, the States General of the United Netherlands, have signified that they earnestly desire that all the treaties which have been made at divers times and places, which shall be hereafter particularly named, between the Most Serene and Potent Prince, Charles the Second, late King of Great Britain, of glorious memory, and them the States General, which still subsist, relating as well to the peace and good understanding between the British Crown and the Government of the United Netherlands and subjects of both States may be continued and confirmed anew, and to that purpose have sent hither their Ambassadors Extraordinary, James, Baron of Wassemaer and Duvenvoirde, Ver Schooten, Veur, &c. Arnold de Citters, late Councillor in the Supreme Court of Holland, Zeeland and West Friesland, and the said States General's Ordinary Ambassador to the Most Serene King of Great Britain, and Everard de Weede, Lord of Dyckvelt, Rateles, &c., and have appointed them their Commissioners and Deputies for this business, and have armed them with full authority and power. The Most Serene and Potent Prince, James the Second, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c., being moved with the like desire of continuing and observing the ancient friendship between the two said Nations, and increasing it by any agreement and conditions which may be advantageous to both parties, has named for his Commissioners, armed with the like authority and powers, his right trusty and right well beloved Cousins and Counsellors Lawrence, Earl of Rochester, High Treasurer of England, George, Marquess of Halifax, President of the Privy Council, Robert, Earl of Sunderland, one of the Principal Secretaries of State, and Charles, Earl of Middleton, the other Principal Secretary of State; and the said Commissioners and Deputies, as well those appointed by the Most Serene King of Great Britain as by the States General, having met several times and conferred together concerning the premises, have, according to the authorities and powers given them by either party, copies whereof are inserted at the end of these presents, agreed and concluded, that all and every the Treaties here recited and named:—

1. The Treaty of Peace and Confederacy, concluded at Breda,  $\frac{21}{31}$  July, in the year 1667.
2. The Treaty of Navigation and Commerce, made at the same place, and the same day.
3. The Treaty of Peace and Friendship, concluded at Westminster,  $\frac{9}{19}$  February, in the year 167 $\frac{3}{4}$ .
4. The Marine Treaty, concluded at London, 1st December, 1674, together with a Declaration whereby certain articles of the said Treaty, as also of the Marine Treaty, made  $\frac{7}{17}$  Feb., in the year 166 $\frac{7}{8}$ , are more fully explained, which was concluded at the Hague,  $\frac{20}{30}$  December, 1676.

5. An Act for preventing or composing amicably controversies between the English and Dutch Companies trading to the East Indies, concluded at London,  $\frac{8}{18}$  March, in the year 1674[-5]. 1700-1701.  
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No. 1599.

6. The Defensive League, concluded at London, 3rd March, 167 $\frac{7}{8}$ .

And all and singular the articles contained in those Treaties, or any of them shall from henceforth continue for ever, shall be confirmed and remain in force, in the same sense and to the same purpose as they were at first framed and concluded, and shall have and retain the same vigour and force as they ought to have had before, or as was thought they should have had, and that in as ample form and manner as at first they were framed and concluded, and as if every one of those Treaties and every article of them were word for word repeated and inserted in these presents.

(2.) That the abovementioned Most Serene King of Great Britain and the aforesaid High and Mighty Lords, the States General of the United Provinces, shall observe sincerely and *bonâ fide*, all and singular the heads agreed and confirmed in all and every the Treaties recited and named in the foregoing article, and shall cause them to be observed by their subjects and people, and shall not directly or indirectly do anything to the contrary themselves, or suffer anything to be done to the contrary by their subjects or people, and that they shall ratify and confirm by Letters Patent, signed with their own hands and sealed with their respective Great Seals, the confirmation of all and singular the Treaties aforesaid now agreed and concluded by the Commissioners and Deputies on both sides, to be devised and drawn up in a sufficient, valid and effectual form, and they shall deliver or cause the same to be delivered *bonâ fide*, really and truly within four weeks after the date of these presents, or sooner, if it may be. Done in the Royal Castle of Windsor, the 17th day of August, in the year 1665.

(L.S.) ROCHESTER.

(L.S.) BARON DE WASSEMAER  
DUVENVOIRDE.

(L.S.) HALIFAX.

(L.S.) ARNOUT VAN CITTERS.

(L.S.) SUNDERLAND.

(L.S.) DE WEEDE.

(L.S.) MIDDLETON.

*Endorsed* (4). Read in Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 619.]

(c) 26 Feb. Renewal of the Treaties of Alliance between England and Holland. *Signed* at Westminster, on 24 August, 1689. Car-marthen, P., Halifax, C. P. S., Shrewsbury, Nottingham, Wharton, A. Schimmelpenning vander Oije, N. Witsen, W. de Nassau, Arnout van Citters, E. de Weede. *French Text*. The articles of this Treaty are printed, with some variations and inaccuracies, in Du Mont, Vol. VII., Part II., pp. 236-7, where, however, the date is Whitehall, in the month of August, 1689, instead of as above. *Endorsed* (5). [Delivered this day. The translation (next paper) read on 12 March. L. J., XVI. 608, 619.]

(c<sup>2</sup>) 26 Feb. Translation of preceding, as follows:—

Whereas after several breaches of the peace on the part of France, the Most Serene King of Great Britain and the High and Mighty Lords of the States General of the United Provinces of the Low Countries, are jointly entered into a war against the Most Christian King, and the said Lords, the States General, having



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sent the Sieurs, Alexander Schimmelpenning Vander Oije, Lord of Engelenburg, Grand Bailiff and Dijkgrave of the city and mayoralty of Boisleduc, Nicholas Witsen, Burgomaster, Councillor and Treasurer of the city of Amsterdam, William de Nassau, Lord of Odijck, Cartgine, Seijst, Drijbergen and Blickenburgh, First Nobleman and representing the Nobility in the Assembly of the States and in the Council of the Province of Zeeland, Arnold van Citters, formerly their Ambassador in Ordinary in England, and Everhard de Weede, Lord of Weede, Dyjckveldt, &c., their Ambassadors Extraordinary to his Majesty of Great Britain, and having shewed their desire by the said Ambassadors, not only to confirm all the treaties of amity and alliance which are subsisting between the Crown of England and the said States General, but also to enter into other engagements of stricter alliance with his said Majesty, for the maintenance and reciprocal preservation of their subjects, countries and states, and to reduce the Most Christian King to a just and reasonable peace, which may restore and confirm the quiet and tranquillity of Europe. And as the said States General have given power to the said Ambassadors Extraordinary to treat and conclude the said Treaty, his Majesty being of the same mind, and willing to concur in that design, has named for Commissioners on his side, Thomas, Marquess of Carmarthen, President of his Privy Council, George, Marquess of Halifax, Keeper of the Privy Seal, the Earl of Shrewsbury and the Earl of Nottingham, his Majesty's Principal Secretaries of State, and Thomas Wharton, Esq., Privy Councillor and Comptroller of his Majesty's household. The said Commissioners and the said Ambassadors after several meetings and conferences, have, by virtue of their respective powers, copies whereof are inserted at the end of these presents, agreed and concluded that which follows:—

(1.) There shall be for the future between the King of Great Britain, and his successors, Kings of Great Britain, and their kingdoms on one side, and the States General of the United Provinces on the other, and their dominions, territories and subjects reciprocally, a sincere, firm, and perpetual amity and good correspondence both by sea and land, in all things and in all places, as well without as within Europe.

(2.) And, for the better security of his friendship and good correspondence, and to remove all difficulties that may arise between both parties upon what pretence soever, it is agreed and covenanted between the said King of Great Britain and the said States General, that all Treaties of peace, friendship, alliance, and confederacy of commerce and marine, hereafter named and mentioned, shall be approved of and confirmed on both sides.

The Treaty of Peace and Alliance, concluded at Breda, the  $\frac{21}{31}$  July, 1667. The Treaty of Navigation and Commerce, concluded at the same time and in the same place.

The Treaty of Peace and Amity, concluded at Westminster, the  $\frac{9}{19}$  February, 167 $\frac{3}{4}$ .

The Treaty Marine, concluded at London, the first October, 1674, with a declaration explaining several articles of the said Treaty, as also of the Marine Treaty of the  $\frac{7}{17}$  February, 166 $\frac{7}{8}$ , concluded at the Hague, the  $\frac{20}{30}$  December, 1675.

An article for preventing and composing the disputes which may happen between the East India Companies of England and Holland, concluded at London, the  $\frac{8}{18}$  March, 167 $\frac{4}{5}$ . 1700-1701.  
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The Defensive League, concluded at Westminster, the 3rd March, 167 $\frac{7}{8}$ .

The Treaty of Concert relating to the English and Holland Fleets, concluded at Whitehall, the 29th April, 1689.

The Treaty for prohibiting commerce with France, concluded at Whitehall, the  $\frac{12}{22}$  August, 1689.

Whereas the said Treaties and all and every the articles of them are effectually approved of and confirmed by this present Treaty, and shall remain in their first force and virtue as if they were here inserted word for word, as far as they do not contradict or derogate one from the other, or from this present Treaty, so that the points and matters stipulated by a later Treaty shall be fulfilled in the sense then agreed upon, without any regard to an ancients treaty.

(3.) Moreover, there shall be betwixt his Majesty and his successors and the said Lords States General and their subjects and inhabitants reciprocally, a firm alliance and faithful confederacy, mutually to preserve and maintain each other in tranquillity, peace, friendship and neutrality by sea and land, and in possession of all rights, franchises and liberties that they enjoy or have right to enjoy, or which are required for them, or that they shall acquire by treaties of peace, friendship and neutrality which have been heretofore made, or shall be hereafter made jointly and by a common consent with other kings, republics, princes and cities, but all within the extent of Europe only.

(4.) And thus they promise and oblige themselves to maintain reciprocally, not only all the treaties which his Majesty or his predecessors and the said States General have already made with other kings, republics, princes or states which shall be exhibited on each side before the exchange of the ratifications, but also all those which they may make hereafter jointly, or by common consent and to defend, assist and preserve each other in the possession of the lands, cities and places which at present belong, or hereafter may belong as well to his Majesty and his successors, Kings of Great Britain, as to the said States General by the said treaties in what place soever the said lands, cities and places are situated, in case that in anything abovementioned his Majesty, or the said Lords States General should be troubled or attacked by any hostility or open war by any one, or upon any pretence whatsoever, in which case they shall act on each side, according to what is agreed upon in the above said Treaty, concluded the 3rd day of March, 167 $\frac{7}{8}$ .

(5.) And whereas the said King of Great Britain and the said States are at present in war against the Most Christian King and as the said King of Great Britain and States General are under a reciprocal obligation to assist, defend, maintain and preserve mutually each other, their countries and subjects in their possessions, immunities and liberties as well of navigation as commerce and other rights whatsoever both by sea and land, against all kings, princes and states and particularly against the said Most Christian King. And for the better attaining to a just and reasonable peace, which may re-establish the



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quiet and tranquillity of Europe. It is agreed between the said King of Great Britain and the said States, there shall not any suspension of arms, truce or peace be agreed on between any of the said allies and the Most Christian King, or any other king, prince or state whereby either of the said allies may be molested or attacked, but jointly and by common consent.

(6.) And whereas the said King of Great Britain and the said States General have already entered into a treaty of concert for the employing their forces this year against the said Most Christian King; it is determined and resolved, that they shall speedily agree upon other articles and conditions in relation to the number and employing of their troops and men of war, in such manner as shall be thought most convenient to act with better success against the common enemy.

(7.) It is further agreed between the said King of Great Britain and the said States, that if after a peace is made with the Most Christian King jointly and with common consent as it is above-mentioned, either of the parties shall be attacked afresh by the Most Christian King, or if either of the parties shall be attacked by any other king, prince or state, in such case the Treaty of Alliance and Guarantee abovementioned, concluded the 3rd day of March, in the year 1677-8, betwixt the Crown of England and the said States, which is also approved of and confirmed by this present Treaty, shall subsist then in its utmost extent and shall be executed in all its points and articles, as if the same or a like treaty had been made anew, and since the conclusion of the peace with the said Most Christian King, with this variation only, that the war happening in the case mentioned in the fourth article of this Treaty, none of the said allies shall make any suspension of arms, truce or peace with the said Most Christian King or other aggressor, but jointly and by common consent.

(8.) In this present Treaty shall be comprehended all kings, princes and states who shall be willing to enter into it, before the exchange of the ratifications, or within six months after, with the common consent of his Majesty and the said States.

(9.) The present Treaty shall be ratified and approved of by the said King and the said States and the letters of ratification shall be delivered by the one and the other in good and usual form within the term of six weeks, or sooner if possible, to be reckoned from the day of the signing hereof.

In Witness whereof his Majesty's above-mentioned Commissioners and the Ambassadors Extraordinary aforesaid, by virtue of their respective powers, have signed these presents in their ordinary manner of signing, and have caused their coat of arms to be set thereto. Concluded at Westminster, the 24th day of August 1689.

(L.S.) CARMARTHEN.	(L.S.) A. SCHIMMELPENNING VANDER OIJE.
(L.S.) HALIFAX, C.P.S.	(L.S.) N. WITSEN.
(L.S.) SHREWSBURY.	(L.S.) W. DE NASSAU.
(L.S.) NOTTINGHAM.	(L.S.) ARNOUT VAN CITTERS.
(L.S.) P. WHARTON.	(L.S.) DE WEEDE.

*Endorsed* (6). Read in Ho. Peers, 12 Martii, 1700. [Delivered this day. L.J., XVI. 608, 619.]

(d<sup>1</sup>) 6 Mareh. Ratification du Traité de Ryswiek. *Signed* at Fontainebleau on 3 Oct., 1697, by Louis, par le Roi, Colbert. *French Text*. The first paragraph, down to the tenor of the Treaty, is printed in Du Mont, Vol. VII., Part II., p. 403, and King William's counterpart, in Latin, on pp. 399-401. *Endorsed* (2). Delivered by

L. Chamberlain, 6 March, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 614, 619.] 1700-1701.

(d<sup>2</sup>) 6 March. Translation of preceding, as follows :—

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Lewis, by the grace of God, King of France and Navarre, To all who shall see these presents, Greeting. Whereas, our beloved and faithful Councillor of State in Ordinary, Nicholas Augustus de Harlay, Chevalier, Lord of Boneuil, Count of Cely, our dear and well beloved Lewis Verjus, Chevalier, Count de Crecy, Marquess of Troon, Baron of Couvay, Lord of Boulay, the two Churches, Fort Isle and Menillet, and our dear and well beloved Francis de Callieres, Chevalier, Lord of Rochechellay and Gigny, our Ambassadors Extraordinary and Plenipotentiaries, by virtue of the full powers which we had given them for that purpose, have concluded, made and signed at Ryswick, the 20th day of September last, with Thomas, Earl of Pembroke and Montgomery, Baron Herbert of Cardiff, Lord Keeper of the Privy Seal of England, Privy Councillor to our most dear and most beloved brother the King of Great Britain, and one of the Lords Justices of England, Edward, Viscount Villiers of Dartford, Baron of Hoo, Knight Marshal of England, and one of the Lords Justices of Ireland, Robert, Lord Lexington, Baron of Everham, Gentleman of the Bedchamber to his Britannic Majesty, and Sir Joseph Williamson, Knight, Privy Councillor to his said Britannic Majesty, Keeper of the Paper Office, Ambassadors Extraordinary and Plenipotentiaries from our said brother the King of Great Britain, in like manner provided with full powers from him, the Treaty of Peace, whereof the tenor is as follows :—

To all in general and every one in particular who are, shall or may be interested therein any way whatsoever, Be it known that the war being unhappily kindled between the Most Serene and Most Potent Prince, Lewis the Fourteenth, by the grace of God, the Most Christian King of France and Navarre on one part, and the Most Serene and Most Potent Prince, William the Third, by the grace of God also, King of Great Britain, on the other, matters have at last been brought to this point, that through the permission and goodness of God, both on the one side and the other, they have embraced the thought of making peace. And their said Most Christian and Britannic Majesties being animated with the same zeal for stopping the effusion of Christian blood as soon as may be, and speedily re-establishing the public tranquillity, have, in the first place, unanimously, consented to acknowledge the mediation for that end of the Most Serene and Most Potent Prince, of glorious memory, Charles the Eleventh, by the grace of God, King of Sweden, the Goths and Vandals. But his hasty and unexpected death having traversed the hopes all Europe had justly conceived of the happy effect of his counsels and good offices, their said Majesties have thought they could not do better than to continue to acknowledge in the same quality the Most Serene and Most Potent Prince, Charles the Twelfth, King of Sweden, his son and successor, who, on his part, has also continued the same care for the advancement of the peace between their said Most Christian and Britannic Majesties in the conferences that were held for that end at the Castle of Ryswick, in the Province of Holland, between the Ambassadors Extraordinary and Plenipotentiaries named on the one part, and the other, to wit, on the part of his Most Christian Majesty, the Sieur Nicholas Augustus de Harlay, Chevalier, Lord of Boneuil, Count of Cely, Councillor of State in Ordinary to his said Majesty, the Sieur Lewis Verjus, Chevalier, Count of Crecy, Chancellor of State in Ordinary to the



1700-1701. King, Marquess of Troon, Baron of Couvay, Lord of Boulay, the two Churches, Fort Isle, Menillet and other places, and the Sieur Francis de Callieres, Chevalier, Lord of Callieres, Rochechellay and Gigny. —  
 No. 1599. And on the part of his Britannic Majesty, Thomas, Earl of Pembroke and Montgomery, Baron Herbert of Cardiff, Lord Keeper of the Privy Seal of England, Privy Councillor to the King and one of the Lords Justices of England, Edward, Viscount Villiers of Dartford, Baron of Hoo, Knight Marshal of England and one of the Lords Justices of Ireland, Robert, Lord Lexington, Baron of Everham, Gentleman of the Bed Chamber to the King, and Sir Joseph Williamson, Knight, Privy Councillor to his said Majesty and Keeper of the Paper Office; who, after having implored the Divine assistance, and communicated to each other their respective full powers, copies whereof shall be inserted word for word at the end of this Treaty, and having duly exchanged the same by the intervention and mediation of the Sieur Nicholas, Baron Lillieroot, Ambassador Extraordinary and Plenipotentiary from his Majesty the King of Sweden, who has acquitted himself in his office of mediator with all the prudence, all the capacity and all the equity requisite, have to the glory of God's name, and for the good of Christendom, agreed upon the conditions the tenor whereof are as follow :—

(1.) There shall be a universal, perpetual peace, and a true and sincere friendship between the Most Serene and Mighty Prince, Lewis the Fourteenth, the Most Christian King, and the Most Serene and Mighty Prince, William the Third, King of Great Britain, their heirs and successors, and between the kingdoms, states and subjects of both, and that the same be so sincerely, inviolably and religiously observed, that the one shall promote the interest, honour and advantage of the other, and that on both sides there be a faithful neighbourhood, and that this mutual confidence and friendship may be daily cultivated, strengthened and increased.

(2.) All enmities, hostilities, wars and discords between the said Most Christian King and the King of Great Britain and their subjects shall cease and be abolished, so that on both sides they forbear and abstain hereafter from doing any wrong, injury or prejudice to each other, and from attacking, plundering, molesting or disturbing each other in any manner whatsoever, as well by land as by sea and on fresh waters everywhere, and especially throughout all the kingdoms, territories and dominions belonging to each other, of what condition soever they be.

(3.) All offences, injuries and damages, which the said Kings and their subjects have suffered from each other during this war, shall be forgotten, so that, neither on account of them, or for any cause or pretence whatsoever, neither party or the subjects of either shall hereafter do, cause or suffer to be done, any act of hostility, enmity and molestation or hindrance to the other by himself or others, secretly or openly, directly or indirectly, by colour or right or way of fact.

(4.) And, as the intention of the Most Christian King has always been that the peace should be firm and solid, his Majesty engages and promises for himself and for his successors, Kings of France, not to trouble or disturb any way whatsoever, the King of Great Britain in the possession of his kingdoms, countries, states, lands or governments which his said Britannic Majesty now enjoys, giving for this purpose his royal word not to assist directly or indirectly any of the enemies of the said King of Great Britain, nor to countenance in any manner whatsoever the conspiracies, plots or rebellions which may be carried

on in England, and consequently, without any exception or reserve, not to aid with arms, ammunition, provisions, ships or any other thing by sea or by land, any person whatsoever, who shall pretend to molest the said King of Great Britain in the peaceable possession of the said kingdoms, countries, states, lands or governments under what pretence soever it may be. And in like manner the King of Great Britain on his side promises and engages for himself and his successors, Kings of Great Britain, inviolably and mutually, without any exception or reserve, to do the same in respect to the Most Christian King, his kingdoms, countries, states and dominions.

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(5.) The navigation and commerce shall be free between the subjects of both the said Kings, in the same manner they have always been in time of peace and before the declaration of the last war, so that the said subjects may freely and reciprocally go and come with their merchandize into the kingdoms, provinces, marts, ports and rivers of the said Kings, there continue and trade without any molestation or disturbance, and there use and enjoy all liberties, immunities and privileges, which are either established by solemn treaties or granted by the ancient customs of those places.

(6.) The ordinary means of justice shall be open and its course free in all the kingdoms, lands and lordships under the dominion of the said Kings reciprocally ; and their subjects, on either side, shall and may make good their rights, actions and pretensions, according to the laws and statutes of each country, and obtain one against the other, without distinction, all the satisfaction that shall lawfully belong to them.

(7.) The said Most Christian King shall cause to be restored to the King of Great Britain, all the countries, islands, fortresses and colonies in what part of the world soever situated, which the English did possess before the declaration of this present war. And in like manner the said King of Great Britain shall restore to the said Most Christian King, all the countries, islands, fortresses and colonies in what part of the world soever situated which the French did possess before the declaration of this present war ; and this restitution shall be made, on both sides, within the space of six months, and sooner, if it can be done. And to that end, immediately after the exchange of the ratifications of this present Treaty, the said Kings shall give to each other reciprocally, or cause to be given and delivered to Commissioners, which they shall depute on either side to receive the same in their name, all acts of session, orders and commands that are necessary, and in such good and due form, as that the said restitution may be fully and effectually executed.

(8.) It is agreed that Commissioners shall be appointed on both sides, to examine and determine the mutual rights and pretensions which each of the said Kings may have to the places situated in Hudson's Bay, which the French took in the time of the last peace, and which were re-taken by the English since the present war, and are, by virtue of the preceding article, to be restored to his Most Christian Majesty, as likewise that the capitulation granted by the English to the commander of Fort Bourbon at the time of its being last taken on the 5th of September, 1696, shall be performed according to its form and tenor ; the goods therein mentioned immediately restored ; the commander and others taken in the said fort forthwith set at liberty, if it be not already done ; and the disputes which may remain on account of the performance of the said capitulation, together with the valuation of the goods that cannot be found, shall be adjudged and determined by the said Commissioners, who, in like manner shall have power to treat concerning the settling of the limits and confines of the countries



1700-1701. yielded and restored on either side by the foregoing article, and of the exchanges which may be found fitting to be made for the common convenience as well of his Most Christian, as [of his] Britannic Majesty. —  
 No. 1599. And for this purpose the said Commissioners shall be appointed on both sides immediately after the ratification of this present Treaty; they shall meet at London, within three months to be computed from the day of the said ratification, and shall be obliged entirely to determine all the said difficulties within six months from the day of their first conference. After which, the points and articles whereto they shall have agreed shall be approved by the said Most Christian King and the said King of Great Britain, to have afterwards the same force and effect and be executed in the same manner, as if they were contained and inserted word for word in the present Treaty.

(9.) All letters, as well of reprisals as of marque and counter-marque which have hitherto been given out, for what cause, or on what occasion soever, shall be, and be taken to be, null, void and of none effect. And for the future, neither of the said two Kings shall grant any of the like letters against the subjects of the other, unless it shall first appear that there has been a manifest denial of justice, which shall not be reckoned manifest, unless the petition of the person who shall desire letters of reprisal, shall have been first shown and represented to the minister or ambassador residing in that country on the part of the King, against whose subjects the said letters shall be sued for, to the end that within the space of four months he may inform himself of the contrary, or procure that satisfaction be forthwith made to the complainant by the party offending. And, if no Minister or Ambassador from the King, against whose subjects the said letters shall be desired, be there residing, yet they shall not be dispatched till four months are expired, to be reckoned from the day whereof the petition of the person desiring the said letters shall have been presented to the King against whose subjects they shall be desired, or to his Privy Council.

(10.) And, for preventing and cutting off all occasions of complaints, disputes or processes which might arise on account of the restitution pretended to of ships, merchandize or other goods of the same nature, which should be taken or detained on either side after the conclusion and signing of this present Treaty, but before it could possibly be known and published on the coasts and in the countries furthest distant, it is agreed that all ships, merchandize and other the like goods, which shall be seized and taken on either side after the signing of this present Treaty, shall remain without any obligation of recompense to those that shall have seized the same during the space of twelve days immediately after the signing and publication of the said Treaty within the British and Northern Seas, and within the space of six weeks for all prizes taken from the said British and Northern Seas as far as Cape St. Vincent, and from or beyond that Cape as far as the Equinoctial line, as well in the Ocean as in the Mediterranean Sea, or elsewhere, within the space of ten weeks; and lastly within the space of six months beyond the Line and in all places of the world, without any exception, or other, or more particular distinction of time or place.

(11.) But, if it should happen through chance, inadvertency, or any other cause whatsoever, that any of the subjects of either of the said Kings should do or attempt anything by land or by sea or on fresh water, in any part of the world whatever, that may be contrary to the present Treaty, or hinder the full execution thereof, or of any one of its articles in particular, the peace and good correspondence re-established between the said Kings shall not be at all disturbed or taken to

be interrupted on that account, but, on the contrary, it shall remain in its full and primitive force and vigour, only that subject who shall have disturbed the same shall answer for his own particular fact, and shall be punished for it, according to the laws and rules established by the right of nations.

(12.) And, if it happens, (which God forbid), that the misunderstandings and enmities composed by this peace should again be renewed between the Most Christian King and the King of Great Britain, and they should break out into an open war, all the ships, merchandize and moveable goods of the subjects of one of the two Kings, which shall be found to be and remain in the ports and places under the dominion of the other, shall not be confiscated or anywise damaged. But the term of six whole months, to be computed from the day of the rupture, shall be allowed to the subjects of the said Kings, during which they shall and may, without any molestation or hindrance, carry away and transport whither they shall think fit, their goods of the kind here above expressed, and all their other effects.

(13.) For what concerns the Principality of Orange and other lands and lordships appertaining to the King of Great Britain, the separate article of the Treaty of Nimeguen, concluded the 10th of August, 1678, between his Most Christian Majesty and the States General of the United Provinces, shall be fully executed according to its form and tenor, and, in pursuance thereof, all innovations and alterations there which shall be found to have been since made contrary to the said Treaty, of what kind soever they may be, shall have reparation made without any exception. And all decrees, edicts or acts posterior or contrary thereto, in any manner whatever, shall be and remain null and of none effect, so that hereafter nothing of the like nature can be done in respect thereto. And all the said goods shall be restored to the King of Great Britain, in the same condition and manner as he possessed and enjoyed them, before he was dispossessed in the time of the war which was ended by the Peace of Nimeguen, or as he ought to possess and enjoy the same, according to the words and by virtue of the said Treaty. And, for the more effectual preventing and ending without revival all difficulties, troubles, pretensions and processes arisen or that may arise on account of the said goods, the said Kings shall appoint Commissioners on both sides, and shall give them power fully to decide and accommodate all the said differences, as likewise to settle and state according to the declarations that shall be given in to them, the estimate of the restitution which his Most Christian Majesty consents to make, together with all the interest that shall be lawfully due to his Britannic Majesty from the revenues, profits, rights and advantages, as well of the Principality of Orange as of the other goods, lands and lordships appertaining to his Britannic Majesty in the countries under the dominion of his Most Christian Majesty to the full value of what shall be justly made out to have been kept back from his Britannic Majesty by the orders and authority of his Most Christian Majesty since the conclusion of the Treaty of Nimeguen to the time of the declaration of the present war.

(14.) The Treaty of Peace between the Most Christian King and the late Elector of Brandenburg, made at St. Germain en Laye, the 29th of June, 1679, shall be re-established between his Most Christian Majesty and his present Electoral Highness of Brandenburg, in all its points and articles.

(15.) Whereas it much concerns the public tranquillity that the Peace, concluded between his Most Christian Majesty and his Royal Highness the Duke of Savoy, the 9th of August, 1696, should be

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No. 1599. (16.) Such are to be comprehended within the present Treaty of Peace as before the exchange of the ratifications which shall be made thereof, or within the space of six months after, shall to that end be named on either side, and about which there shall be a mutual agreement. And whereas in the meanwhile the Most Serene and Most Mighty Prince, Lewis XIV., the Most Christian King, and the Most Mighty Prince, William III., King of Great Britain, do gratefully acknowledge the sincere offices and the continual zeal of the Most Serene and Most Mighty Prince, Charles XII., King of Sweden, who, through the Divine assistance, has so mightily promoted the wholesome work of this present Treaty of Peace, and has at last by his mediation brought it to the happiest and most successful end that could be desired by either side, their said Majesties to testify a like affection to him, have by common consent, agreed and resolved that his Sacred and Royal Majesty of Sweden shall be comprised in the present Treaty of Peace in the best form that can be, for all his kingdoms, dominions and provinces, and for all rights that may or can appertain to him.

(17.) Lastly, the solemn ratifications of the present Treaty made in good and due form shall be brought back and exchanged on both sides within the space of three weeks, or sooner, if possible, reckoning from the day when the said Treaty shall be signed at the Castle of Ryswick in the Province of Holland.

And in Witness of all and every the points here above expressed, and to give them so much the more force and a full and entire authority, We Ambassadors Extraordinary and Plenipotentiaries jointly with the Ambassador Extraordinary and Mediator, have signed the present Treaty and set our seals thereto. Made at Ryswick in Holland, 20th September, 1697. *Signed* and *Sealed* Lillieroot, De Harlay Bonnevil [Boneuil], Verjus de Crecy, De Callieres, Pembroke, Villiers, J. Williamson.

We, well liking the above said Treaty in all and every the points and articles therein contained and declared, have, as well for ourselves as for our heirs, successors, kingdoms, countries, lands, dominions and subjects, accepted, approved, ratified and confirmed, and do accept, approve, ratify and confirm the same. And we do promise on the faith and word of a King and under the obligation and pledge of all and every our goods present and to come, to keep and observe the whole inviolably, without doing or acting to the contrary directly or indirectly, in any way and [or] manner whatsoever.

In Witness whereof, we have signed these presents with our hand and have caused our seal to be affixed thereunto. Given at Fontainebleau, the 3rd day of October, in the year of Our Lord 1697, and of our reign the 55th.

LEWIS,  
by the King,  
COLBERT.

*Endorsed* (1). Delivered by Lord Chamberlain, 6 March, 1700. Read in the Ho. Peers, 12 Martii, 1700. L. J., XVI. 614, 619.

(e<sup>1</sup>) 6 March. Convention between England, Sweden and Holland. *Signed* on 4 May, 1698, at the Hague, by J. Williamson, N. Lillieroot, W. Baron de Heeckeren, Johan vander Does, A. Heinsius, Pr. van Hecke, J. vander Does, H. Sminia, Ar. Lemker, L. Ludolphi. *Latin Text*. Printed, with some trifling clerical errors and the

omission of the names of the Dutch signatories in the preamble, in Du Mont, Vol. VII. Part. II. pp. 440-41. *Endorsed* (3). Delivered by Lord Chamberlain, 6 March, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 614-615, 620.] 1700-1701. — No. 1599.

(c<sup>2</sup>) 6 March. Translation of preceding, as follows:—

Whereas his Sacred Royal Majesty of Sweden and the High and Mighty Lords, the States General of the United Provinces, by virtue of a separate article for renewal of treaties, made at Stockholm, the 12 February last, have agreed on both sides to use their most effectual endeavours that his Sacred Royal Majesty of Great Britain may enter into such an obligation of stricter friendship and good correspondence with the above-mentioned contracting parties, and a confederacy for their mutual defence, as shall be thought necessary not only for securing the kingdoms, states and dominions of the said parties, but likewise preserving the peace of Christendom; into which confederacy and reciprocal obligation the above said King of Great Britain afterwards declared he would enter. The Ministers, therefore, of the aforesaid Kings and Lords, the States General of the United Provinces, having full power given them to that purpose, viz.: from his Sacred Royal Majesty of Great Britain, the most illustrious and most excellent Lord, Sir Joseph Williamson, Knt., one of his Sacred Majesty's Privy Council, and his Ambassador Extraordinary and Plenipotentiary. From his Sacred Royal Majesty of Sweden, the most illustrious and most excellent Lord, Nicholas, Free Baron of Lillieroot, his Sacred Majesty's Secretary of State and Ambassador Extraordinary and Plenipotentiary to the High and Mighty Lords, the States General of the United Provinces. And from the States General of the United Provinces, the Sieurs, Walraven, Baron of Heeckeren, Lord of Nctelhorst, President of the county of Zutphen and Chief President of the city and district of Boisleduc, John vander Does, Senator and President of the city of Gouda, Anthony Heinsius, Councillor and Syndic of the States of Holland and West Friesland, Keeper of the Great Seal, and President of the Fiefs, Peter van Hecke, Lord of Houkerke [Koukerke], Senator of the city of Fleesing, John vander Does, Lord of Bergestein, one of the Knights of the Province of Utrecht, Hessell de Sminia, Deputy to the Assembly of the States of Friesland, Arnold Lemker, Consul of the city of Davenport, Ludolphus Ludolphi, Senator of the city of Groningen, all Deputies in their Assembly, having here, at the Hague, appointed conferences, and after mature deliberation considered that this confederacy is in such a nature that it cannot easily be completed by all parties in so short a time as was proposed to them for finishing this work; they have, therefore, thought fit, upon the commands given them and duly exchanging their respective powers, to enter upon so wholesome a work, and, as a foundation for the same, have for the present agreed upon such a general instrument of alliance as is contained in the following articles:—

(1.) That there shall be a faithful, sincere and constant friendship between his Sacred Majesty of Great Britain, his Sacred Majesty of Sweden and the High and Mighty Lords, the States General of the United Provinces, who, by virtue of this Defensive Alliance, agree to a mutual assertion of each other's security, oblige themselves to promote the advantage, honour and interest of one another, and promise to give timely warning of any councils or conspiracies of others to their prejudice, and by common advice and assistance to defend each other against them.



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(2.) The intent of this Triple Alliance shall be not only a mutual friendship for the defence and security of the aforesaid parties, but the asserting and preserving of the peace and tranquillity of Europe against any assault whatsoever.

(3.) But, that the aforesaid confederates may the better agree upon ways and means for obtaining this end, it is likewise covenanted that certain Plenipotentiaries shall be forthwith named, who, in behalf of the aforesaid Kings, shall enter upon and finish an amendment and renewal of Alliances which have formerly been made between the Crowns of Great Britain and Sweden, as well for establishing a stricter league of friendship, as concerning the trade of the subjects on both sides. Which renewals are not to hinder the ministers of the three allies from forthwith, and without any interruption, entering upon and setting forward the negotiation for adjusting all and everything that is requisite and shall be thought conducing to the entire perfecting of this Triple Alliance.

(4.) But the present general agreement or solid and sincere foundation of the aforesaid Triple Defensive Alliance shall now immediately commence, so that, if it shall happen that any of the kingdoms, states or provinces of any of these confederates, situate in Europe, shall be invaded in a hostile manner, the rest shall assist him with present succour, without any excuse, delay or pretence, nor shall they withdraw their assistance before the injured party has received full satisfaction.

(5.) The contracting parties shall be obliged to communicate their counsels to each other, and especially take such measures among themselves as may confirm and strengthen the general peace; and to that purpose they promise really and effectually to provide for their own safety by mutual assistance against any assault that may disturb the quiet of Europe.

(6.) This Convention shall no ways derogate from the treaties or alliances which have at any time been made between the contracting parties, but they shall rather remain in their full force.

(7.) This Agreement shall be ratified and exchange of the instruments made at the Hague within the space of six weeks, to be reckoned from the day of the signing of it, or sooner, if possible.

In Witness whereof the aforesaid Plenipotentiaries of the above-mentioned Kings and of the High and Mighty Lords, the States General, have signed and sealed this Act of Alliance, whereof six instruments are made. Concluded at the Hague, the  $\frac{4}{14}$  day of May, in the year 1698.

*Endorsed* Read in Ho. Peers, 12 March, 1700. [Delivered this day. L. J., XVI. 615, 620.]

(*f*<sup>1</sup>) 6 March Treaty between England and Sweden. *Signed* on 6-16 January, 1699-1700, at the Hague, by N. Lillieroot. *Latin Text.* *Endorsed* No. (5). Delivered by Ld. Chamberlain 6 March, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 615, 620.]

(*f*<sup>2</sup>) 6 March. Translation of preceding, as follows:—

Whereas, the Most Serene and Potent Prince and Lord, Charles XII., King of the Swedes, Goths and Vandals, Great Prince of Finland, Duke of Schonen, &c., and the Most Serene and Most Potent Prince and Lord, William III., King of Great Britain, France and

Ireland, Defender of the Faith, &c., for the demonstration and greater confirmation of a more intimate and mutual amity and sincere friendship, and for the augmenting and promoting the happiness and safety of the said Kings, their kingdoms and subjects, have thought fit that the former treaties, concluded between the renowned Kingdoms of Sweden and Great Britain, and the Kings, predecessors of the aforesaid Kings, shall be reassumed, renewed and amended. Therefore his Sacred Royal Majesty of Sweden, for the perfecting of so wholesome a work, has legally constituted and given sufficient power and instructions to the most illustrious and excellent Lord, Nicholas, Free Baron of Lillieroot, Ambassador Extraordinary and Plenipotentiary of his said Majesty to the States General of the United Provinces and his Sacred Royal Majesty of Great Britain, the most illustrious and excellent Lord, Sir Joseph Williamson, Knt., one of his Majesty's most Honourable Privy Council and his Ambassador Extraordinary and Plenipotentiary, who, after they had met and produced and exchanged their full powers at the Hague and held several conferences for that purpose, and after a mature consideration and examination of things in so weighty an affair, have agreed and consented to take for a basis and foundation the Treaty, concluded at Stockholm the 1st March, 1665, upon condition that forthwith and without any loss of time, a negotiation shall be entered upon at Stockholm by the Commissioners of both parties concerning those things which relate to the commerce of both kingdoms and their subjects, and which make a part of the aforesaid Treaty of 1665; but, as to what concerns the mutual friendship, good correspondence and safety, the said Treaty made in 1665 shall be entirely confirmed and strengthened by this present Treaty, together with some additions and alterations, as by the following articles is more at large provided and concluded:—

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(1.) There shall be between his Majesty of Sweden and the Kings, his heirs and successors, on one side, and his Majesty of Great Britain and the Kings, his heirs and successors, on the other, and their respective kingdoms and dominions, provinces, islands, territories, colonies, towns, villages, people, citizens and inhabitants and all their subjects and vassals whatsoever which are now, or hereafter shall be, as well in Europe as out of Europe, in all places both by sea and at land and fresh waters, a sincere, constant and perpetual friendship, alliance and good correspondence, so as that neither of the said Kings shall do any wrong to one another, or either of them to their respective kingdoms, provinces, colonies (wheresoever situate), and subjects, nor consent nor suffer any to be done by others, but shall show to one another a sincere affection and all manner of kindness and good will.

(2.) Both of the allies, their heirs and successors, shall be obliged carefully to cultivate and promote the interest and honour of each other, to discover and give early notice, as soon as it may come to their knowledge, of any imminent dangers, conspirations and hostile contrivances that may threaten either of the confederates, and as much as in them lies, oppose them and prevent and hinder them by their advice and power. And, therefore, neither of the allies shall by himself, or by any other whatsoever act, treat or endeavour any thing that may be to the prejudice or damage of the other, their territories or dominions, in any places by sea and land, nor to favour in the least his enemies or rebels to the detriment of the other ally, nor to admit or receive any rebels and traitors into their countries much less to give or afford them any council, assistance or favour, nor suffer the same to be given them by their subjects, people or inhabitants.



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(3.) And, that the aforesaid friendship and good correspondence may be daily cultivated to greater advantage and for the profit and benefit of both Kings, their kingdoms and subjects, and, that their safety may the better be taken care of and provided for, it is agreed on both sides, that the Most Serene and Most Potent Kings, and the Kingdoms of Sweden and Great Britain, shall be most closely united by a particular Defensive Treaty, as by these presents they are joined in a most firm alliance and oblige themselves to defend each other, their kingdoms, dominions, provinces, states and subjects in the possession of their rights, liberties, navigation and commerce, as well in the Baltic Sea, the Sound and Belt, as in the North Sea, the Western British Seas commonly called the Channel, as also the privileges and prerogatives of either of the confederates, which they claim as well by contracts and allowed customs, as by the law of nations and hereditary rights, against all invaders, aggressors and disturbers by sea and land in Europe, as is more particularly declared hereafter.

(4.) If it, therefore, should happen that his Majesty, the Kings, his heirs and successors, and the Kingdom of Sweden is invaded, infested and disturbed in Europe by any king, prince, state or republic, one rebel or more or any malicious persons, one or more, in the kingdoms, countries, provinces, islands or dominions, as well within as without their kingdoms, as also in the countries in Germany belonging to the Kings and Kingdom of Sweden, as also in the possession of their prerogatives, privileges and independent rights, or shall any other way whatsoever be disturbed and molested in the liberty of navigation and commerce in the aforesaid seas and narrow seas; his Majesty of Great Britain, the Kings, his heirs and successors, shall be obliged, after a previous due demand, to assist the King and Kingdom of Sweden, the Kings, his heirs and successors, against such aggressors, disturbers and rebels, with an army consisting of six thousand foot, upon the conditions and in the manner as hereafter shall be more at large declared.

(5.) In like manner, if it should happen that his Majesty of Great Britain, the Kings, his heirs and successors, and the Kingdoms of Great Britain, should be invaded, infested or disturbed in Europe by any king, prince, state, republic, rebel, one or more, or any malicious person, one or more, in his kingdoms, countries, provinces, islands and dominions belonging to the Kings and Kingdom of Great Britain and the rights thereto appertaining, or any otherwise molested and hindered in the freedom of navigation and commerce in the aforesaid seas and narrow seas, the King of Sweden, the Kings, his heirs and successors, and the Kingdom of Sweden, shall be obliged to assist his Majesty of Great Britain, the Kings, his heirs and successors, after due requisition and demand, with an army consisting of six thousand foot, upon the conditions and in the manner as hereafter shall be specified.

(6.) And, mention being made in the 2nd article of rebel or rebels, both allies have thought it necessary further to explain hereby the said term, viz., That whosoever is declared a rebel or traitor by letter sent by either of the confederates to the other, he of the confederates to whom the letter shall so be sent, shall immediately repute the declared rebel as such, and whatsoever has been agreed on by this Treaty to be done against the rebels of each other shall be put in execution.

(7.) But, before the auxiliary troops are sent, the sufferer shall acquaint the other ally with the violence and injury done him, and then both confederates shall endeavour to persuade the invader or disturber, in a friendly manner, to desist from such violence and injury that it may not be necessary to take up arms. But, if the offender is so obstinate that by a friendly way he cannot be brought to an equitable

agreement, and, therefore, the injured and wronged ally is obliged to have recourse to force in his own defence, in order to prevent any further disturbance, then shall the aforesaid troops be sent without delay, and shall not be withdrawn till entire satisfaction is given to the party offended, because in such case, he that by injuries forces another to stand upon his lawful defence, is to be reputed the aggressor.

(8.) The aforesaid auxiliary forces shall be sent within four months to be reckoned from the first day of the notification given or demand made, or sooner if possible, and that the demandant shall desire it, (although at the same time the ally called upon is employing his good offices in consequence of this Treaty towards a friendly accommodation), and brought into a place where there is a convenient harbour and of easy access, which the demander of the succours shall name, and they shall there be maintained at the charge of him that sends them till a peace is obtained, or as long as he that desires them shall think them useful and necessary for him, yet so as the demander in the meantime shall take care that the said auxiliary forces may have provisions and all other necessaries for food and clothing in his countries at reasonable rates and as his own troops are furnished.

(9.) It shall, however, be left to the choice of either ally, and especially to him that requires the succour, whether he will have the above-mentioned army entire, or only part of it in soldiers or warlike preparation, ammunition, provision, ships and such things as are necessary to fit them out, making an estimate of 4,000 dollars a month for every thousand men as long as the war lasts, and the Commissioners of both parties shall, without delay, fairly agree upon such an estimate.

(10.) But if, by reason of some danger, the auxiliary troops cannot come without opposition to the place where they are to be employed by the demander, both confederates shall be obliged to use their endeavours to facilitate and secure their passage, and the party required shall have leave to put the said troops under the command of an officer of his own, and that they may, as far as the state of the war will permit, remain together in one body, which is to be understood, that they shall not be separated into places too remote one from the other, but the commander or general appointed for the said auxiliary forces, shall in the actions of the war be subject to the military command of the party to whom the succour is sent, or his chief general, and whatever relates to the march of the troops, the method of acting, or any other accidental things whatsoever, shall be so ordered as is usual in war; and, where auxiliary forces are employed, the like shall be observed, if it should happen that ships should be sent in the place of land soldiers, which ships being in the nature of auxiliaries shall be obliged to carry the flag of that party that desires them.

(11.) But, if it should fall out that by reason of the greatness of the danger, the forces agreed on should not be sufficient, as in case the aggressor should receive assistance from some of his confederates, then each of the allies shall be obliged, being beforehand desired in due manner, to succour the party wronged with greater force, such as he can conveniently and safely bring together, both by sea and land, but, in that case, the particular manner of the assistance shall be treated of between the confederates as soon as may be, according to the nature and exigency of affairs.

(12.) It shall be also lawful to either of the confederates and their subjects to bring their men-of-war into each others' ports to winter there, stay and enjoy the immunities and privileges of the said ports; provided that those who are not common enemies be not molested within the ports, or at the entrance of them, whereby trade to the said ports

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1700-1701. might be hindered or destroyed. And the said confederate Kings having  
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 No. 1599. concerning navigation and commeree, the same shall be forthwith  
 proceeded in and concluded there without delay. In the meantime and  
 until the said negotiation be finished, the artieles of the Treaty of  
 Alliance, concluded at London, in the year 1661, concerning navigation  
 and commerce shall remain in their full force, as if they were inserted  
 here word for word.

(13.) But those things which are recited in the beginning of the foregoing article, shall in no wise be granted to the enemies of either of the confederates, nor shall it be lawful for the subjects of either of them to give assistance to the enemies of the other, to the prejudice and disadvantage of his confederate, neither shall they serve them in any manner either by sea or land as soldiers or mariners, and this shall be forbidden them under the severest penalties.

(14.) This present Treaty of Alliance, concluded between the Most Serene Kings of Great Britain and Sweden, shall not any way lessen the prerogative, rights and dominions of the seas of either of the confederates, that is to say the dominions of the King of Great Britain in those seas commonly called the British Seas, and the dominion of the King of Sweden in the Baltic Sea, but each of the confederate Kings shall retain all the premises, with all their dependencies for the future, in the same manner as they now do, and shall freely enjoy the same without any molestation, which yet is to be understood on both sides with a saving to this present Treaty of Alliance.

(15.) When the party required shall in the aforesaid manner have sent the succours, or have satisfied his obligation according to this Treaty, it is necessary that care should be taken of him and of his safety, and, therefore, it is agreed on both sides that, if the confederate who sends the succours, which are to be under the command of the demandant, shall be permitted to remain in the condition of an auxiliary, and that by reason of the succours lent, he be not involved himself in the war, no treaty of peace or truce shall be concluded, or even any long cession of arms that may be hurtful to the other confederate, shall be made without his being included and secured thereby, but, if by reason of the succours lent, he should be engaged in an open war with the aggressor or any other whatsoever, then neither of them shall, without the advice and consent of the other, enter into any preliminary or principal treaty with the enemy or enemies, but all things shall be done and treated by joint negotiation, communication and council, until a sufficient security and due satisfaction be fully given by common consent to each of the confederates. In the first place, that confederate who was first engaged in the war shall not be permitted to change the war for peace, before the other confederate, who, by virtue of the Treaty of Alliance has given assistance to his confederate, be indemnified in all things by the enemy, or at least fully restored to his former state which he enjoyed or of right ought to have enjoyed, before the war began, in case his state and condition had suffered any detriment from the enemy or by the ensuing war.

(16.) This condition is expressly added to what is aforesaid concerning the giving assistance at the request of the confederate, that, if it happen that either of the confederate Kings being called upon shall be engaged in a war against the common enemy or be attacked by any other neighbouring king, prince, or state in his own kingdoms and provinces, so as the person required takes the same for a real war, for diverting of which the demandant himself would otherwise by virtue of this Alliance be obliged to send succours, then the other confederate

who is so attacked shall not only be freed during that invasion with which he is oppressed from giving the promised succours, but also, if any of his auxiliary troops have, at the request of the other confederate, been sent before the invasion, he may, after notice thereof three months before, recall them for the defence of himself and his kingdoms.

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(17.) And, although the confederates are obliged to send succours to each other in the manner before mentioned, yet that obligation shall by no means be extended so far as that therefore all friendship and mutual commerce with the enemies of the other confederate and their subjects should be immediately broken off and prohibited. For the case happening that one of the confederates, although he has upon notice given sent his succours, should not himself be involved in the war, his subjects and people shall have the freedom of trade and navigation with the enemies of that confederate who is in war, and they shall be likewise permitted to carry directly to the enemy with safety, all sorts of goods that are not expressly prohibited and called contraband as shall be agreed more particularly in a special treaty of commerce hereafter to be made.

(18.) And whereas it seems necessary, for preserving the freedom of navigation and commerce in the Baltic Sea, that there should be a firm and strict friendship and agreement between the Most Serene and Powerful Kings of Sweden and Denmark, and that the aforesaid Kings of Sweden and Denmark, of glorious memory, who reigned at that time, did not only reciprocally oblige themselves by the public convention of peace, made in the camp before Copenhagen, the 27th May, 1660, and by the ratifications thereof exchanged on both sides faithfully and inviolably to observe all and every the articles and clauses comprehended in the said conventions, but also did declare a little before the Treaty of Alliance between England and Sweden, concluded in the year 1665, to the Most Serene and Powerful Prince, Charles II., King of Great Britain, of glorious memory, then reigning, that they would sincerely and *bonâ fide* stand to the conditions, and all and every the articles of the pacification often before mentioned, and that they would not in the least recede from the tenor of the said conventions, which was the occasion that the aforesaid King of Great Britain, Charles II., with the will and consent of both the said Kings of Sweden and Denmark, did include the aforesaid conventions, made at the camp near Copenhagen, the 27th May, in the year 1660, with all and every the articles, parts and clauses of those conventions, in a special instrument of guarantee, a little after the conclusion of the Swedish and English Treaty of Alliance, made the 1st day of March, 1665, namely on the 9th day of October in the same year, and declared himself protector and guarantee of those conventions and every the articles comprehended therein, to all which, when a later Treaty of Peace was added between those Serene and Powerful Kings of Sweden and Denmark, concluded at Lunden, in Schonen, which contains an express repetition and confirmation of the transactions of Roschild, Copenhagen and Westphalia. Therefore, the Most Serene and Powerful King of Great Britain, by virtue of this Alliance, binds himself and promises on the word of a King, that if, contrary to expectation, either of the Kings shall presume, either by himself or others, privately to contrive and design or openly undertake by any disturbance, injury or force of arms, anything to the prejudice of all the conventions or one or more of the articles contained therein, and consequently to the detriment of the persons, provinces, territories, islands, effects, dominions and rights, which by the conventions, so often mentioned and made in the camp near Copenhagen, the 27th of May, in the year 1660, and afterwards at Stockholm, the



1700-1701. 3rd day of July, in the same year, concerning the exchange of the Island of Bornholme, as also the Peace since made at Lunden, in  
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 No. 1599. Sehonon, in the year 1679, were given to everyone of the parties comprehended in the said conventions, then the Most Serene and Powerful King of Great Britain, for the mutual and constant preservation of the friendship between both Kings of Sweden and Denmark, or the principals concerned in the conventions, shall first by his interposition amicably employ all the good offices of a confederate King, which may conduce to the observance of the often repeated conventions and every the articles contained therein, and consequently the preservation of the peace between both Kings. And, if afterwards he or of the two Kings who is author of such prejudices, or of any molestation and injury committed against the aforesaid convention, or any article contained therein, being warned of it, will not desist from those prejudicial attempts, and the violation of the conventions, the Most Serene and Powerful King of Great Britain, as surety and guarantee of those conventions of peace and all and every the articles contained therein, shall, by virtue of this Alliance and Engagement, assist the injured party, so far and in such manner as is concluded and agreed in such case by this present Convention between the Kings of Great Britain and Sweden.

(19.) Moreover, there shall be for the future a strieter alliance and union between the aforesaid Kings of Great Britain and Sweden for the defence and preservation of the evangelieal and reformed religion of the Protestants and of all things relating thereunto, which, with the Divine assistance, they do, by these presents, promise and oblige themselves to maintain, protect and preserve.

(20.) And whereas, both the aforesaid Kings do hereby own themselves to be still engaged by some other conventions and alliances formerly made with others, which they are also willing duly to observe according to the meaning of those conventions, but that they are no ways bound at this time by these conventions, or any the clauses contained therein, which may, or can in the least weaken or obstruct this Alliance, and, therefore, that the mutual faith of the confederates and their steadiness in this society may the more appear, and that the minds of their subjects and friends may be settled, both the aforesaid Kings do mutually oblige themselves and declare, that they will sincerely and faithfully observe all and singular the articles of this Alliance, and not depart in the least from the genuine and common sense of the aforesaid articles under any pretence of advantage, friendship, former alliance, convention and promise, or any other colour whatsoever, but that they will most readily, effectually and fully put in execution by themselves, or their ministers and subjects, as occasion shall require, all things which they have promised in this Treaty, and that without any limitation, exception or excuse, excepting only those things which are expressed in the foregoing articles of this Treaty of Alliance.

(21.) This Treaty of Defensive Alliance shall last eighteen years, before the end of which, the confederate Kings may again treat touching the further continuance thereof, if they find it convenient.

(22.) And whereas these Conventions have been concluded by virtue of the powers and orders given on both sides, so they ought to be approved and ratified in due and solemn form by their Sacred Royal Majesties, the Kings of Great Britain and Sweden, and the instruments of ratification shall be exhibited, viz., the English instrument to his Sacred Majesty the King of Sweden's Minister, at London; and the Swedish instrument to his Sacred Majesty of Great Britain's Minister, at Stockholm, within the space of two or three months from the time of the signing thereof, or sooner, if it be possible.

For the greater certainty and confirmation of the premises, two copies of this Treaty are made; one of which the aforesaid Ambassador Extraordinary of his Sacred Majesty of Sweden has signed and sealed at the Hague, and the other the aforesaid Ambassador Extraordinary of his Sacred Majesty of Great Britain has signed and sealed at London, and that on one and the same day, viz.,  $\frac{6}{16}$  of Janr., in the year 1700.

(L.S.) N. LILLIEROOT.

(L.S.) J. WILLIAMSON.

*Endorsed* No. (5). Read in Ho. Peers, 12 Martii, 1700. [Delivered this day L. J., XVI. 615, 620.]

(*g*<sup>1</sup>) 6 March. Treaty between England, Sweden, and the States General. *Signed* on  $\frac{20}{30}$  Jan.  $\frac{1700}{1699}$ , at London, by J. Williamson, and on  $\frac{13}{23}$  Jan.  $\frac{1700}{1699}$ , at the Hague, by N. Lillieroot, J. van Essen, Fr. van Bredenhof, A. Heinsius, W. de Nassau, E. de Weede, W. Harren, Ar. Lemker, S. L. Gockinga. *Latin Text*. Printed, with some trifling variations, and omitting the titles of the Kings and Plenipotentiaries, in Du Mont. Vol. VII., Part II., pp. 475-6. *Endorsed* No. (4). Delivered by Lord Chamberlain, 6 March, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 615, 620.]

(*g*<sup>2</sup>) 6 March. Translation of preceding, as follows:—

Whereas, his Sacred Royal Majesty of Great Britain, his Sacred Royal Majesty of Sweden, and the High and Mighty Lords, the States General of the United Provinces, have in the Treaty made at the Hague, the  $\frac{4}{14}$  May, 1698, entered into an alliance of mutual defence, as well for securing the kingdoms, states and dominions of the contracting parties, as for preserving the peace and tranquillity of Christendom; and seeing that by virtue of the third article of the said Treaty, ministers and plenipotentiaries are to be named on all sides, for devising and promoting all and every thing that may be thought conducing to the entire perfecting of the Treaty. And therefore in order to it, the Most Serene and Most Powerful Prince and Lord, William III., by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c.; the Most Serene and Most Potent Prince and Lord, Charles XII., by the same grace of God, King of Sweden, &c.; and the High and Mighty Lords, the States General of the United Provinces, have named and appointed their Plenipotentiaries, viz., the King of Great Britain, the most illustrious and most excellent Lord, Sir Joseph Williamson, Knight, one of his Majesty's Privy Council, and his Ambassador Extraordinary and Plenipotentiary; the King of Sweden, the most illustrious and most excellent Lord, Nicholas, Free Baron of Lillieroot, his Sacred Majesty's Ambassador Extraordinary and Plenipotentiary to the High and Mighty Lords, the States General; and the States General, the Sieurs, John Ab Essen, Consul of the city of Zutphen, Francis de Bredenhof, Free Lord, of Oosthuisen, &c., Anthony Heinsius, Councillor and Syndic of the States of Holland and West Friesland, &c., William de Nassau, Lord of Odijk, &c., First Nobleman, and representing the Nobility in the Assembly of the State of Zeeland, Everhard de Weede, Lord of Weede Dykvelt, &c., First Councillor and President of the Assembly of the States of the Province of Utrecht, &c., William de Harren, Bailiff of the district of Bilton, in Friesland, Deputy of the

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1700-1701 Nobility in the Assembly of the States of Friesland, Overseer of the  
 — University of Francker, Arnold Lemker, Consul and Senator of the  
 No. 1599. city of Daventer, Ludolphus Gockinga, all Deputies in their Assembly,  
 who by virtue of the powers and commands given them have agreed  
 upon the following conditions of alliance :—

(1.) The Treaty of Alliance, made the  $\frac{4}{14}$  May, 1698, shall remain in force, and is by virtue of these presents confirmed in the same manner as if it were here inserted word for word.

(2.) In like manner all treaties shall entirely remain in force which have been made as well between the fore-mentioned Kings themselves, as between either of them and the States General of the United Provinces, every one according to the time appointed for its duration.

(3.) These treaties shall take place not only in cases therein comprehended and specified, but especially if any one or more of the aforesaid confederates and allies shall be invaded on account of this Treaty, under any colour or pretence whatsoever.

(4.) And, therefore, the above-mentioned allies take upon them the protection and reciprocal guarantee of their kingdoms, states, provinces, dominions and territories in Europe, and promise to defend one another by all the best methods that may be against any hostile assaults, invasions or oppressions, so that as soon as one confederate shall be attacked, the other two shall jointly hasten to his defence, according to the conditions of the treaties made with him, as also by virtue of this common Alliance. But, if the succours promised by these treaties shall not be sufficient, all possible and necessary force shall be provided to defend the party aggrieved, and to procure him just satisfaction.

(5.) But, because the above-mentioned confederates are of opinion that the security of their own kingdoms, states, provinces, dominions and territories depends, in a great measure, upon the preservation of a general peace amongst the Christian princes, and that it very much concerns them that oppressions and assaults made elsewhere may not in time reach to disturb their kingdoms, states and provinces, and involve them amongst others in a war, they therefore have promised on all sides, and hereby do promise, that they will in particular stand by and maintain the following Treaties.

(6.) That is to say the Peace of Munster and Osnaburg, in the year 1648. The Peace of Nimeguen, in 1678 and 1679, as likewise the Treaty of Peace between the Emperor and Empire and the King of France, made at Ryswick, 20th October, 1697, so far as it does not differ from the Treaties of Munster, Osnaburg and Nimeguen.

(7.) And likewise the Treaties of Peace, made at Ryswick, the 20th day of September, 1697, between the King of Great Britain and the King of France, and between the King of France and the States General of the United Provinces.

(8.) But that this security or guarantee may have its full force and effect, the above-mentioned contracting parties will use their utmost endeavours that the agreements mentioned in the foregoing articles may be punctually and inviolably observed, but, if it should happen that they should be any ways infringed or violated, they will separately and jointly endeavour by friendly ways and methods, to obtain reparation for the violation and breach of those Treaties of Peace, but, if these endeavours and good offices prove ineffectual, or, if a war should break out before the parties can be reconciled, every of the confederates for making good the aforesaid security and guarantee, and for obtaining reparation for the violation and breach of the fore-mentioned Treaties of Peace, shall furnish six thousand soldiers as soon as one of the

confederates requires them, or it shall be judged necessary, and that, until reparation be made for the violations and breaches, and peace be restored. 1700-1701.

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(9.) Yet so as that these six thousand men may be but once demanded for the assistance of any one of the confederates, so that if they are sent to one of the allies by virtue of this common Alliance, others besides them are not to be sent, but the confederates shall agree amongst themselves upon the place where it shall be most necessary to make use of them.

(10.) But, if any one of the confederates in case of necessity shall furnish another with succours agreed on by particular compact, either with the whole or with part, then he shall not be obliged to furnish the same confederate with succours on account of this common Alliance, unless the number hereby required exceeds the number agreed on by the particular compact.

(11.) But, if it should happen that these assistances are not sufficient to restore peace, or if the fore-mentioned confederates or any one of them should be still engaged in a war, in that case the confederates shall consult together about augmenting the succours, according to the contents of the 4th article of this Treaty.

(12.) The confederates likewise oblige themselves not to give any help or assistance to his or their enemies who shall be engaged in a war, but, on the contrary, will make it their business to weaken the enemies, and to that end shall advise together whether they shall not prohibit trade with the enemies of the ally or allies, or can any way weaken them and deprive them of all accession of power.

(13.) In case the aforesaid succours are to be sent to any particular place, the confederates shall use their joint endeavours to render their passage easy and secure, for which purpose they shall intercede with the princes whose territories they are to pass through.

(14.) The said military forces sent as succours, as has been already mentioned, shall be under the command of a captain or general of the confederate that sends them, and shall continue in one and the same body, as far as the occasions of the war will permit, but the afore-mentioned captain is to obey the general or commander-in-chief of the party, who desires them.

(15.) The confederates, who shall be engaged in the war, shall sincerely and faithfully communicate all transactions to one another, and not undertake any negotiation nor make any truce or peace without mutual consent.

(16.) They shall likewise consult with that confederate who shall not be engaged in that war about everything, and comprehend him also in any treaty of peace they shall make, and in the meantime advise with him how the auxiliaries sent may be most usefully employed.

(17.) Other kings, princes and states may be permitted to come into this present Alliance, so far as their accession shall be judged by the common approbation of the allies useful to the promoting and asserting the public quiet.

(18.) This Alliance shall continue eighteen years, and the instruments of ratification shall be exchanged at the Hague within the space of two or three months, or sooner if possible.

In Witness whereof we, the above-mentioned Plenipotentiaries, have signed and sealed this present Treaty, whereof there are six instruments made; That is to say, I, Joseph Williamson for the King of Great Britain, at London, the  $\frac{20}{30}$  day of January, 1700. I, Nicholas, Free



1700-1701. Baron, of Lillieroot, for the King of Sweden; and we the Deputies  
 No. 1599. of the States General for them, at the Hague, the  $\frac{13}{23}$  day of January,  
 1700.

(L.S.)	J. WILLIAMSON.	(L.S.)	N. LILLIEROOT.
(L.S.)	J. VAN ESSEN.	(L.S.)	FR. VAN BREDENHOF.
(L.S.)	A. HEINSIUS.	(L.S.)	W. DE NASSAU.
(L.S.)	E. DE WEEDE.	(L.S.)	W. HARREN.
(L.S.)	AR. LANKER [LEMKER]	(L.S.)	S. L. GOCKINGA.

*Endorsed* Read Ho. Peers, 12 March, 1700. [Delivered this day.  
 L. J., XVI. 615, 620.]

(*h*<sup>1</sup>) 6 March. Separate and secret articles between England, Sweden and Holland. Dates and signatures same as in the preceding paper. Printed, with slight variations, in Du Mont, Vol. VII., Part II., pp. 476-7.

*Endorsed* No. 6. Delivered by Ld. Chamberlain, 6 Martii, 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 615, 620.]

(*h*<sup>2</sup>) 6 March. Translation of preceding, as follows:—

#### Separate and secret Articles.

Whereas, a Defensive Alliance is this day made between his Sacred Royal Majesty of Great Britain, his Sacred Royal Majesty of Sweden and the High and Mighty Lords, the States General of the United Provinces; and it seeming to be for their common advantage that some articles should be added to it, which shall be of the same validity as if they had been inserted in the Treaty itself, the parties have therefore agreed upon what follows:—

(1.) The above-mentioned confederates shall defend and secure, not only the Peace and Treaties mentioned in the sixth and seventh articles of the principal Alliance, but likewise the Treaty of Peace between the Kings of France and Spain, made at Ryswick, the 20th September, 1697.

(2.) If the King of Great Britain or the States General should be forced to undertake a war for the defence or guarantee of the Treaty of Ryswick, in that case the King of Sweden shall be obliged, instead of six thousand men mentioned in the 8th article of the principal Treaty, to assist them with ten thousand men, clothed and well armed, together with what field-pieces are necessary; nor shall the King of Great Britain or the States General pay any thing for the raising and transporting of them; but he who shall demand these auxiliary forces, shall from the time of their leaving their quarters in Pomerania and Bremen to begin their march, support them and allow them pay, according to the rule and establishment for paying the States General's forces, and it shall be free at all times for these forces to raise recruits within the kingdoms and territories of his Sacred Majesty of Sweden.

(3.) None of the confederates is obliged to send the succours he has promised into Italy, Spain, or any other places at so great or a greater distance, but, if the party that wants help shall have occasion for it there, he shall ask it of somebody else; but, in the meantime, he may make use of the said auxiliary forces in his own or neighbouring countries, as well to divert the enemy as to defend himself and his allies.

(4.) And, as the fore-mentioned confederates are very desirous to preserve peace in the north, and to that purpose have heretofore each of them separately made himself surety and guarantee of the Treaty of Altena, between the King of Denmark and the Duke of Holstein Gottorp, and esteem the afore-mentioned tranquillity in the north to depend in a great measure upon the observation of that Treaty; they have, therefore, thought fit hereby to oblige themselves anew to the defence or guarantee of the said Treaty of Altena, and this protection or guarantee in regard to the present posture of affairs, shall take place against any assault or violence whatsoever, but the difference between the King of Denmark and the Duke of Holstein Gottorp shall be referred to the negotiation at Pinnenberg, to be there decided as possibly may be.

(5.) The Emperor and the King of Spain may, if they think fit, come into this Treaty, as parties to whom the protection and guarantee of the peace of Ryswick does in a great measure belong, and conditions shall be agreed on to that purpose with them.

(6.) The King of Great Britain and the States General promise to employ their utmost care and endeavours to induce the King of Spain to pay to the King of Sweden what is due to him for the Swedish ships, which the King of Spain's subjects unjustly took in the late war.

In Witness whereof, we the underwritten Ambassadors Extraordinary and Plenipotentiaries of the Kings of Great Britain and Sweden, and the Deputies of the States General of the United Provinces named in the principal Treaty, have signed and sealed these separate and secret articles, whereof there are six instruments made; viz.:—I, Joseph Williamson for the King of Great Britain, at London, the  $\frac{20}{30}$  day of January, 1700; I, Nicholas, Free Baron of Lillieroot, for the King of Sweden; and we the Deputies of the States General for them, at the Hague, the  $\frac{13}{23}$  day of January, 1700.

(L.S.) J. WILLIAMSON.	(L.S.) N. LILLIEROOT.
(L.S.) J. VAN ESSEN.	(L.S.) FR. VAN BREDENHOF VAN OOSTHUIJSEN.
(L.S.) A. HEINSIUS.	(L.S.) W. DE NASSAU.
(L.S.) E. DE WEEDE.	(L.S.) W. HARREN.
(L.S.) AR. LEMKER.	(L.S.) S. L. GOCKINGA.

*Endorsed* Read Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 615, 620.]

(i<sup>1</sup>) 26 Feb. Louis XIV's ratification of the Treaty (the Second Partition Treaty). *Signed* at London, on  $\frac{3}{21}$  March, new style 1700, 21 Feb., old style 1699, by Tallard, Briord, Portland, Jersey, and, at the Hague, on 25th March, 1700, by J. van Essen, F. B. de Rhee de, A. Heinsius, G. de Nassau, De Weede, W. V. Harren, R. Lemker, Van Heeck. Then follows a copy of the pleinpouvoirs to M. de Tallard, dated Versailles, 26th March, 1699, and to M. le Comte de Briord, dated Versailles, 1 Feb., 1700. The ratification is dated Versailles, 9 April, 1700. *Signed* Louis, par le Roy, Colbert. *French Text*. That part which consists, of the Treaty is printed in Du Mont Vol. VII., Part II., pp. 477–9, with some verbal differences, and with date given as 13 March instead of 3 March. *Endorsed* (1). Delivered by Lord Chamberlain, 26 Feb., 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]

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1700-1701. (i<sup>2</sup>) 26 Feb. Translation of preceding, as follows :—

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No. 1599. Ratification of the Treaty—

Lewis, by the grace of God, King of France and Navarre. To all those who shall see these present letters, Greeting. Having seen and examined the Treaty that has been concluded, agreed and signed in our name, viz., at London, the third day of March last, by our dear and wellbeloved the Sieur Count de Tallard, Lieutenant General of our Armies and of our Province of Dauphine, and our Ambassador Extraordinary in England, by virtue of the full power we had given him to that end, with William, Earl of Portland, Viscount of Cirencester, Baron of Woodstock, Knight of the Garter and Privy Councillor to our most dear and most beloved brother the King of Great Britain, and Edward, Earl of Jersey, Viscount Villiers, Baron of Hoo, Knight, Marshal of England, Principal Secretary of State and Privy Councillor of our said brother the King of England, having likewise a full power from him. And, at the Hague, the following 25th day of the said month of March, by our dear and well-beloved the Sieur Count de Briord, Councillor in our Councils and our Ambassador Extraordinary to our most dear and great friends the States General of the United Provinces of the Low Countries, by virtue also of the full power we have given him for that purpose, with the Sieurs, John Van Essen, Burgomaster and Senator of the city of Zutphen, Curator of the University of Harderwyck, Frederick, Baron of Rheede, Lord of Liere, St. Anthony, Terlee, &c., of the Order of the Nobility of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary, Keeper of the Great Seal and Superintendent of the same Province, William of Nassau, Lord of Odijk, Cartgine, &c., First Noble and Representative of the Nobility in the Assembly of the States and of the Deputies Councillors of Zeeland, Everhard de Weede, Lord of Weede, Dickvelt, Rateles, &c., Lord of the manor of the town of Oudewater, Dean and Escolatre of the Imperial Chapter of St. Mary of Utrecht, Dickgrave of the river Rhine in the Province of Utrecht and President of the States of the same Province, William Van Harren, Grietman of the Belt, Deputy from the Nobility to the States of Friesland and Curator of the University of Franeker, Arnold Lemker, Burgomaster of the city of Devanter and John Van Heeck, Senator of the city of Groningen; all Deputies in Assembly of the said States General from the States of Guelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overysse and Groningen and Ommelandt, furnish[ed] likewise with full powers from the said States General of the United Provinces, of which Treaty the extent follows.

Be it known to all who shall see these presents, that the Most Serene and Most Potent Prince, Lewis XIV., by the grace of God, Most Christian King of France and Navarre, and the Most Serene and Most Potent Prince, William, III., also by the grace of God, King of Great Britain, and the Lords States General of the United Provinces of the Low Countries, having no greater desire than to strengthen by new obligations the good intelligence re-established between his Most Christian Majesty, his Majesty of Great Britain and the said Lords States General by the last Treaty, concluded at Ryswick: and to prevent by taking timely measures those events which might raise new wars in Europe, have to this end given their full powers to agree of a new Treaty, viz.: His said Most Christian Majesty to the Sieur Camille d'Hostun, Count of Tallard, Lieutenant-General of the King's Armies and of his Province of Dauphiny, Ambassador Extraordinary from France in England, and to the Sieur Gabriel, Count of Briord, Marquis

of Senosan, one of the King's Privy Councillors and his Ambassador Extraordinary to the said States General of the United Provinces of the Low Countries; His said Britannic Majesty to the Sieur William, Earl of Portland, Viscount of Cirencester, Baron of Woodstock, Knight of the Garter and Privy Councillor to the King, and to the Sieur Edward, Earl of Jersey, Viscount Villiers, Baron of Hoo, Knight Mareschal of England, First Secretary of State and Privy Councillor to the King; and the said Lords States General, to the Sieurs, John Van Essen, Burgomaster and Senator of the city of Zutphen, Curator of the University of Harderwyck, Frederick, Baron of Rheede, Lord of Liere, St. Anthony, Terlee, &c., of the Order of the Nobility of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary, Keeper of the Great Seal and Superintendent of the Fiefs of the same Province; William of Nassau, Lord of Odijk, Cartgine, &c., First Noble and Representative of the Nobility in the Assembly of the States and Deputies Councillors of Zeeland, Everhard de Weede, Lord of Weede, Dickvelt, Rateles, &c., Lord of the manor of the town of Oudewater, Dean and Escolastre of the Imperial Chapter of St. Mary of Utrecht, Dickgrave of the river Rhine in the Province of Utrecht, and President of the States of the same Province, William Van Harren, Grietman of the Belt, Deputy from the Nobility of the States of Friesland, Curator of the University of Franeker, Arnold Lemker, Burgomaster of the city of Devanter and John Van Heeck, Senator of the city of Groningen, all Deputies in the Assembly of the said Lords States General from the States of Guelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overryssel and Groningen, and Ommelandt, who by virtue of the said powers have agreed to the following articles:—

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(1.) The peace, re-established by the Treaty of Ryswick, between his Most Christian Majesty and his Britannic Majesty and the Lords States General of the United Provinces of the Low Countries, their heirs and successors, their kingdoms, states, and subjects, shall be firm and constant, and their Majesties and the said Lords States General shall reciprocally do what they can to contribute to the advantage and profit of one another.

(2.) As the principal object which his said Most Christian Majesty, his said Majesty of Great Britain and the said States General propose to themselves, is that of maintaining the general tranquillity of Europe, they could not without sorrow understand that the state of the King of Spain's health has for some time been so languishing, that the life of that Prince is much to be feared, though they cannot think upon this event without trouble, because of the sincere and true love they have for him, they have nevertheless thought it the more necessary to foresee it, because his Catholic Majesty having no children, the business of the succession would infallibly raise a new war, if the Most Christian King should maintain his own pretensions, those of Monseigneur the Dauphin or of his successors, to the whole succession of Spain. And, if the Emperor should also make good his pretensions, those of the King of the Romans, of the Archduke, his second son, or of his other children, males or females unto the said succession.

(3.) And, as to the two Kings and the Lords States General do desire above all things the conservation of the public peace and to prevent a new war in Europe, by accommodating the disputes and differences which might arise upon the subject of the said succession, or by the umbrage of too many states reunited under one and the same Prince, they have thought good to take beforehand necessary measures to prevent the evils which the sorrowful event of the King of Spain's death, without children, might produce.



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(4.) Therefore it is agreed that, if the case before mentioned should happen, the Most Christian King as well in his own name as in that of Monseigneur the Dauphin, his children, males or females, heirs and successors, born or to be born, as also Monseigneur the Dauphin for himself, his children, males or females, born and to be born, shall hold themselves satisfied, and do hold themselves satisfied by these presents, that the said Monseigneur the Dauphin shall have for his share in full property and possession and in extinction of all his pretensions to the succession of Spain, to be enjoyed by him, his heirs, successors, descendants, males or females, born and to be born, for ever, without ever being molested under any pretence whatsoever of right or pretensions, directly or indirectly, either by cession, appeal, revolt or otherways, by the Emperor, the King of the Romans, the Most Serene Archduke Charles, his second son, the Archduchesses, his other issue, male or female, and descendants, his heirs and successors, born and to be born; the Kingdoms of Naples and Sicily, in the same manner the Spaniards possess them at present; the places depending on the monarchy of Spain, situated on the coast of Tuscany, or adjacent isles, comprehended under the name of Sancto Stephano, Porto Hercole, Orbitello, Telamone, Porto Longone, Piombino, in the same manner also as the Spaniards possess them at present, the city and marquisate of Finale, in the like manner as the Spaniards possess them, the province of Guipuscoa, particularly the cities of Fontarabia and St. Sebastian, situated in that province, and especially the port of passage which is therein comprehended, with this restriction only, that, if there be any places depending upon the said province which shall be found situated beyond the Pyrenees or the other mountains of Navarre, Alava or Biscay on the side of Spain, they shall remain to Spain. And, if there be any places in like manner depending upon the provinces subjected to Spain, which be on this side the Pyrenees or other mountains of Navarre, Alava or of Biscay, on the side of the province of Guipuscoa, they shall remain to France and the passages of the said mountains and the said mountains which are betwixt the said province of Guipuscoa, Navarre, Alava and Biscay, to whomsoever they belong, shall be divided between France and Spain, in such sort as there shall remain as much of the said mountains and passes to France on her side, as shall remain to Spain on hers; the whole with the fortifications, ammunition of war, powder, ball, cannon, galleys, galley-slaves, which shall be found belonging to the King of Spain at the time of his decease without issue, and to be annexed to the kingdoms, places, islands and provinces which are to compose the share of Monseigneur the Dauphin, well understood that the galleys, the galley slaves and the other effects belonging to the King of Spain by the Kingdom of Spain and other dominions which fall to the share of the Most Serene Archduke, shall remain to him, those which belong to the Kingdom of Naples and Sicily being to come to Monseigneur the Dauphin so as above said. Further, the dominions of the Duke of Lorraine, that is to say, the Duchies of Lorraine and Bar, so as Charles IV. of the name, possessed them and as they were restored by the Treaty of Ryswick, shall be yielded and conveyed to Monseigneur the Dauphin, his children, heirs and successors, males or females, born or to be born, in all property and full possession, in lieu of the Duchy of Milan, which shall be yielded and exchanged to the Duke of Lorraine, his children, males or females, heirs, descendants, successors, born and to be born, in property and full possession, who will not refuse so advantageous an offer, it being well understood that the county of Bistch belongs to Monseigneur the Prince Vaudemont, who shall enter into the possession of the lands which he heretofore enjoyed,

which have been or ought to have been restored according to the Treaty of Ryswick. In consideration of which kingdoms, islands, provinces and places, the said Most Christian King, as well in his own name as in the name of Monseigneur the Dauphin and his children, male or female, heirs and successors, born and to be born, as also the same Monseigneur the Dauphin for himself, his children, males or females, heirs and successors, born and to be born, (who has also given his full power for this end to the Seigneur Comte de Tallard and to the Seigneur Comte de Briord), do promise and engage themselves to renounce all the opening of the said succession of Spain, as in that case they do at this time renounce by these presents all their rights and pretensions to the said Crown of Spain and to all the other kingdoms, islands, states, lands and places, which at this time depend thereupon, except what is above declared for his share, all which they shall confirm by solemn acts on the most authentic and best form as may be, which shall be delivered to the King of Great Britain and to the Lords States General at the time of the exchanging of the ratification of the present Treaty.

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(5.) All the towns, places and ports situated in the kingdoms and provinces which are to compose the share of the said Dauphin shall be preserved without being demolished.

(6.) The said Crown of Spain and the other kingdoms, islands, states, lands and places, which the Catholic King at this time possesses, as well without as within Europe, shall be given and assigned to the Most Serene Archduke Charles, second son to the Emperor, (except what has been declared on the 4th article to compose the share of Monseigneur the Dauphin and the Duchy of Milan according to the said 4th article), in all property and full possession as his share, and extinguishing all his pretensions to the said succession of Spain, to enjoy the same, himself, his heirs and successors, born and to be born, for ever, without being ever molested under any pretence soever, of rights or pretensions directly or indirectly, even by cession, appeal, revolt, or otherwise on the behalf of the Most Christian King, of the said Monseigneur the Dauphin, or of his children, males or females, his heirs and successors, born and to be born. In consideration of which Crown of Spain and other kingdoms, islands, states, lands and places depending thereupon, the Emperor, as well in his own name as in that of the King of the Romans, of the Most Serene Archduke Charles, his second son, of the Archduchesses, his daughters, his children, their children, males or females, heirs, descendants or successors, born and to be born, as also the King of the Romans for himself, and the Most Serene Archduke Charles as soon as he shall be of age for himself, their children, heirs and successors, males and females, born and to be born, shall hold themselves satisfied that the said Most Serene Archduke Charles have, in extinction of all their pretensions to the succession of Spain, the said cession above made; and the said Emperor, as well in his own name as in that of the King of the Romans, of the Most Serene Archduke Charles, his second son, of the Archduchesses, his daughters, his children, males or females, and theirs, their heirs and successors, as also the said King of the Romans, in his own name, shall renounce at the time they enter into and ratify this present treaty, and the Most Serene Archduke Charles as soon as he shall be of age, all other rights and pretensions to the kingdoms, islands, states countries and places which compose the shares and portions assigned here above to Monseigneur the Dauphin and to him who shall have the Duchy of Milan by exchange for what shall be given to the said Monseigneur the Dauphin. Of all which they shall cause the most solemn and most



1700-1701. authentic acts that may be to be made, that is to say, the Emperor and  
 — the King of the Romans when they shall ratify this present Treaty and  
 No. 1599. the Most Serene Archduke as soon as he shall be of age, which acts  
 shall be delivered to his Britannic Majesty and to the Lords States  
 General.

(7.) Immediately after the exchange of ratifications of this present Treaty, it shall be communicated to the Emperor, who shall be invited to enter thereunto; but if, after three months' time from the day of the said communication and the said invitation, or the day that his Catholic Majesty should die, if it should happen before the expiration of the said three months, his Imperial Majesty and the King of the Romans should refuse to enter therein, and to agree to the share assigned to the Most Serene Archduke, the two Kings or their successors and the Lords States General shall agree upon a Prince to whom that share shall be given. And, in case, notwithstanding the present Convention, the said Most Serene Archduke would take possession either of the part which might fall to him, before he has accepted the present Treaty, or of that part which might be assigned to Monseigneur the Dauphin, or to him who shall have the Duchy of Milan, in exchange as above said, the said two Kings and the Lords States General by virtue of this Convention shall hinder it with all their forces.

(8.) The Most Serene Archduke shall not go into Spain, nor into the Duchy of Milan during the life of his Catholic Majesty, but with common consent, and not otherwise.

(9.) If the Most Serene Archduke should die without children, either before or after the death of the Catholic King, the share which is above assigned to him by the sixth article of this Treaty, shall come to such male or female child of the Emperor, the King of the Romans excepted, or to such child, male or female, of the King of the Romans, as his Imperial Majesty shall think fit to appoint, and, in case his said Imperial Majesty should die without having made the said appointment, it may be done by the King of the Romans, but on condition that the said share shall never be united nor belong to the person of him who shall be Emperor or King of the Romans, or is become one or the other, be it by succession, will, contract of marriage, donation, exchange, cession, appeal, revolt or otherwise; and in like manner the said share of the Most Serene Archduke shall never come or belong to the person of a Prince who shall be King or Dauphin of France, or is become one or the other, be it by succession, will, contract of marriage, donation, exchange, cession, appeal, revolt or otherwise.

(10.) The King of Spain dying without children and the said case thus happening, the two Kings and the Lords States General do oblige themselves to leave the whole succession in the same state as it shall then be, without seizing the whole or any part of it directly or indirectly, but each Prince immediately may put himself in possession of what is assigned him as his share, as soon as he has fulfilled on his part the 4th and 6th preceding articles, and, in case there should be any difficulty, the two Kings and the Lords States General shall do their utmost endeavour, to the end that each one shall be put in possession of his share, according to this Agreement, and that it may have its entire effect, they engage themselves to give by sea and land such help and assistance of men and ships as shall be necessary to constrain by force those who shall oppose the said execution.

(11.) If the above said Kings or States General, or either of them, be attacked because of this Convention, or of the execution that shall

be thereof made, they shall mutually assist one another with all their forces and render themselves guarantees of the punctual executing of the said Convention and of the renunciations made thereupon.

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(12.) All kings, princes and states that will enter into the present Treaty shall be admitted into the same, and it shall be lawful to the two Kings and to the Lords States General and to each of them in particular, to require and invite all those they shall think fit to enter into this present Treaty and to be in like manner guarantees of the execution thereof, and of the validity of the renunciations herein contained.

(13.) And, for the further securing the peace of Europe, the said kings, princes and states shall not only be invited to be guarantees of the execution of the present Treaty and of the validity of the said renunciations, as above, but, if any one of the Princes, in favour of whom the partitions are made, would in time to come break the order established by this Treaty, begin new enterprises contrary to the same, and so aggrandise himself to the prejudice one of the other[s], under any pretence whatsoever, the same guarantee of this Treaty shall be understood in such case to extend so as that the kings, princes and states who promise the same, shall be obliged to employ their forces to oppose the said enterprises and maintain all thing[s] in the condition agreed on by the said articles.

(14.) In case any Prince soever oppose the taking possession of the shares agreed on, the said two Kings and Lords States General shall be obliged to assist one another against such opposition, and to hinder it with all their forces, and shall agree presently after the signing of this present Treaty on the proportion that each shall contribute, both by sea and land.

(15.) The present Treaty and all acts made in consequence of it or that have dependence thereupon and especially the solemn acts that his Most Christian Majesty and Monseigneur the Dauphin are obliged to give, by virtue of the 4th article above said, shall be registered in the Parliament of Paris, according to their form and tenor and according to the usual custom, to be of force upon the conditions therein contained, as soon as the Emperor shall have entered into the present Treaty or at the end of the three months that are allowed him for that purpose, in case he does not enter into it sooner. And likewise his Imperial Majesty when he enters into the present Treaty, shall be obliged to get it approved and registered, with all the acts made in consequence thereof or which have relation thereunto, especially the solemn acts which his Imperial Majesty, the King of the Romans and the Most Serene Archduke shall be obliged to give, by virtue of the 6th article abovesaid, in his Council of State or otherwise, according to the most authentic forms of the country.

(16.) The ratification of the two Kings and of the Lords States General shall be all three exchanged at the same time at London, within the space of three weeks, reckoning from the day that the said Lords States General shall have signed, or sooner if possible. Done and Signed at London, 3rd March, N.S. 1700, by us Plenipotentiaries of 21st Feby., O.S. 1699, France and England, and at the Hague, the 25th of the said month of March, 1700, by us Plenipotentiaries of France and of the Lords States General; the two Kings and the said States General having agreed that the signing of this present Treaty should be performed in this manner. In Witness whereof, we have signed



1700-1701. the said present Treaty with our hands, and caused the seal of our arms to be affixed.

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(L.S.) TALLARD.	(L.S.) A. HEINSIUS.
(L.S.) BRIORD.	(L.S.) W. DE NASSAU.
(L.S.) PORTLAND.	(L.S.) DE WEEDE.
(L.S.) JERSFY.	(L.S.) W. V. HARREN.
(L.S.) J. VAN ESSEN.	(L.S.) AR. LEMKER.
(L.S.) F. B. DE RHEEDE.	(L.S.) VAN HEECK.

[The text of the full powers given by the King to Count de Tallard and Count de Briord are then set out in full.]

We, having for agreeable the above said Treaty in all and every one of the points and articles therein contained and expressed, have accepted, approved, ratified and confirmed, and by these presents signed with our hand do accept, approve, ratify, and confirm the same, promising upon the faith and word of a King to perform and observe and cause it to be observed sincerely and *bonâ fide*, without acting or suffering any to act to the contrary, directly, or indirectly, under what pretence or occasion that may be. In Witness whereof, we have caused our seal to be affixed to these presents. Given at Versailles, the 9th day of April, of the year 1700, and of our reign the 57th. *Signed* Louis, by the King, Colbert. *Endorsed* Read Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

(*k*<sup>1</sup>) 26 Feb. Ratification of the separate article. *Signed and dated* as preceding, and with the same Pleinpouvoirs. *French Text. Endorsed* (2). Delivered by Lord Chamberlain, 26 Feb. 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]

(*k*<sup>2</sup>) 26 Feb. Translation of preceding, as follows :—

#### The Ratification of the Separate Article.

Lewis, by the grace of God, King of France and Navarre, to all who shall see these presents, Greeting. Whereas our dear and well beloved the Count de Tallard, our Lieutenant-General of our Armies and of our Province of Dauphiny, our Ambassador Extraordinary in England, and the Count de Briord, Councillor of our Councils and our Ambassador Extraordinary to our most dear and great friends the States General to the United Provinces of the Netherlands, have, by virtue of the full powers we gave them for that purpose, concluded, made and signed, the one at London, the 3rd of March last, with William, Earl of Portland, Viscount Cirencester, Baron of Woodstock, Knight of the Order of the Garter, and Privy Councillor to our dearest and most entirely beloved the King of Great Britain, and Edward, Earl of Jersey, Viscount Villiers, Baron of Hoo, Knight Marshal of England, principal Secretary of State and Privy Councillor to our said brother the King of England, who were likewise fully empowered from him. The other at the Hague, the following 25th day of the said month of March, with Sieurs, John Van Essen, Burgomaster and Senator of Zutphen, Curator of the University of Harderwyck, Frederick, Baron of Rheede, Lord of Liere, St. Anthony, Terlee, &c., of the Order of the Nobility of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary, Keeper of the Great Seal and Superintendent of the aforesaid Province, William de Nassau, Lord of Odijck, Cartgine, &c., First Nobleman and Representative of the Nobility in the Assembly of the States and the Deputies Councillors of Zeeland, Everhard de Weede, Lord of Weede, Dickvelt, Rateles, &c., Lord Proprietor of the town of Oudewater, Dean and Escolatre of the Imperial Chapter of St. Mary

in Utrecht, Dickgrave of the Rhine in the Province of Utrecht and President of the States of the said Province, William Van Harren, Grietman of the Belt, Deputy of the Nobility to the States of Friesland and Curator of the University of Franeker, Arnold Lemker, Burgo-master of the town of Devanter, and John van Heeck, Senator of the town of Groningen, everyone Deputies in the Assembly of the States General from the States of Guelderland, Holland and West Friesland, Zceland, Utrecht, Friesland, Overysse, Groningen and Ommelandt, in like manner provided with full powers from the said States General of the United Provinces of the Netherlands, one separate article of the Treaty, concluded the 3rd and 25th days of March last, with our said brother the King of Great Britain and the said States General of the United Provinces of the Netherlands, the tenor of which article is as follows :—

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### The Separate Article.

His Most Christian Majesty, his Britannic Majesty, and the States General have agreed, First, that if the King of Spain will not come into this Treaty, and that notwithstanding he should go about to demolish the towns, places and ports situated in the kingdoms and provinces, which are to compose the share of the Dauphin, or of the Duchy of Milan and the dependencies of the said kingdoms and provinces, the two Kings and the States General shall oppose the same by all manner of means.

Secondly, that the said Kings and the States General shall employ their offices with his said Catholic Majesty to prevent the governments of the provinces, which are to compose the share of the Dauphin, being taken out of the hands wherein they are; and, if any alteration be made, they shall likewise employ their good offices that the said governments may be given to natural born Spaniards.

And Thirdly, His Britannic Majesty and the States General engage to keep, as it were in trust, the solemn acts of the Most Christian King and the Dauphin, which ought to be put into their hands, pursuant to the fourth article of the present Treaty, signed at London, the 3rd March, 1700, N.S.

21st Feb., 1699, O.S., and at the Hague, the 25th of the said month of March, 1700, and give a declaration thereof at the same time that the said acts shall be put into their hands. And that neither the Emperor nor the King of the Romans shall be admitted into the said Treaty till they have in like manner delivered in such solemn acts as they are obliged to do by the 6th article of the aforesaid Treaty, which shall be in the same or equivalent terms, to the satisfaction and security of the parties interested, according to the form following hereunder inserted.

The act of renunciation which is to be made by the Emperor, in case his Catholic Majesty dies without issue, to be delivered to the parties concerned, pursuant to the Treaty, made at London, the 3rd March, 1700, N.S.

21st Feb., 1697, O.S., and at the Hague, the 25th of the said month of March, 1700, in the proper terms hereunder expressed, or equivalent thereto, wherein the parties interested, together with his Imperial Majesty, may find their security, after the delivery whereof the Arch-duke, or his tutors in his name, may enter upon the possession of his share.

Leopold, by the grace of God, elected Emperor of the Romans, &c., To all who shall see these presents, We make known that having seen and examined the Treaty, made between the most Christian King, the King of Great Britain and the States General of the United Provinces



- 1700-1701. of the Netherlands, at London, the 3rd March, 1700, N.S.  
 — 21st Feb., 1699, O.S., and at the  
 No. 1599. Hague, the 25th of the said month of March, 1700, for regulating the  
 succession to the Crown of Spain, in case his Catholic Majesty shall  
 happen to die without children, and preventing the sad consequences  
 such an accident might occasion, if not provided against in time; the  
 tenor whereof is as follows:—

Here is to be inserted the Treaty.

Now, if so be the said case, that is to say the decease of the King of Spain without issue, shall so come to pass, We declare, as well in our own proper name as in the name of the King of the Romans, our eldest son, the Archduke, our second son, the Archduchesses, our daughters, and our other children and descendants, males or females, heirs and successors, born and to be born, That we have agreed to, approved and ratified, as we do by this present agree to approve and ratify the said Treaty, according to its form and tenor. And we do [promise to] oblige and engage ourselves, as we do oblige and engage ourselves by this present act to observe, and cause to be observed the said Treaty upon the same conditions, obligations and guarantees therein mentioned, which shall have the same force as if they were here repeated again, and especially the 4th 6th, 8th and 9th articles of the said Treaty, whereby a partition has been made of the said succession to the crown of Spain in favour of the Dauphin of France and the Archduke Charles, our second son, on condition that certain solemn acts of acquittance and renunciation should be despatched by us in the best and strongest form that can be, and delivered at the time we shall enter into the said Treaty; And desiring nothing more heartily than to comply with the said Treaty and prevent all sorts of disputes which might happen on account of the said succession to the Crown of Spain, we have declared, as we do by this present declare, as well in our own name as the name of the King of the Romans, our eldest son, and that of the Archduke Charles, our second son, the Archduchesses, our daughters, and our other children and descendants, males or females, heirs and successors, born and to be born, that we are satisfied with the part allotted to the said Archduke Charles, our second son, by the 6th article of the said Treaty, in extinction of all our rights, actions and pretensions upon the part allotted to the Dauphin of France by the 4th article of the said Treaty, without any exception or reserve, so that neither we nor the said King of the Romans, the said Archduke and our other children, can make any more pretences thereto; and in pursuance thereof in consideration of the kingdoms, estates, isles and provinces allotted to the said Archduke, our second son, by the 6th article of the said Treaty, we do declare that we do yield up and transfer, as we do by this present yield up and transfer, as well in our own name as that of the King of the Romans, the Archduke Charles, the Archduchesses, our daughters, and our other children, males or females, heirs and successors, born and to be born, unto the said Dauphin of France his children and descendants, males or females, heirs and successors, born or to be born, conformably to the said Treaty, all our other rights, actions and pretensions, which we or our children, males or females, heirs and successors, born and to be born, have or pretend to have to the said succession to the Crown of Spain, without any exception or reserve, and consequently we do consent and agree that the said Dauphin may enjoy his share with full propriety and possession, for himself, his children and descendants, males or females, heirs

and successors, born and to be born, for ever, without being at any time molested by us, or our children and descendants, males or females heirs and successors, born and to be born, under any pretext whatsoever, of rights or pretensions, directly or indirectly, even by cession, appeal, revolt or any other way. And furthermore, we declare, as well in our own name as in that of the King of the Romans, the Archduke Charles, the Archduchesses, our daughters, and our other children and descendants, male or female, heirs and successors, born and to be born, that we renounce, in consideration of the said allotment, contained in the 6th article of the said Treaty, as we do by this present renounce, all rights, actions and pretensions, which appertain to us or which we pretend to, upon the said succession to the Crown of Spain and upon the other kingdoms, isles, estates, countries and places depending thereon, and which by the said Treaty are yielded and assigned to the Dauphin of France.

Lastly, we do promise, as well in our own name as in that of the King of the Romans, the Archduke Charles, the Archduchesses, our daughters, and our other children and descendants, male or female, heirs and successors, born and to be born, that we will suffer the said Dauphin, his children and descendants, male or female, their heirs and successors, born and to be born, to have the full effect and enjoyment of the said Treaty, without any hindrance whatsoever. In Witness, this article shall have the same force as if it were inserted word for word in the Treaty, whereto it has relation, and it shall be registered in the Parliament of Paris, immediately after the death of his Catholic Majesty without issue.

Made and signed at London, by us the Plenipotentiaries of France and England, the <sup>3rd March, 1700, N.S.</sup>  
<sup>21st Feby., 1699, O.S.</sup> and at the Hague, by us the Plenipotentiaries of France and the States General, the 25th of the said month of March, 1700.

(L.S.) TALLARD.	(L.S.) BRIORD.
(L.S.) PORTLAND.	(L.S.) JERSEY.
(L.S.) J. VAN ESSEN.	(L.S.) F. B. DE REEDE.
(L.S.) A. HEINSIUS.	(L.S.) W. DE NASSAU.
(L.S.) DE WEEDE.	(L.S.) W. V. HARREN.
(L.S.) AR. LEMKER.	(L.S.) VAN HEECK.

[The text of the powers given to Count de Tallard and Count de Briord are again set out in full.]

We, liking the said separate article and all it contains, have accepted, approved, ratified and confirmed, and do by these presents signed with our own hand, accept, approve, ratify and confirm the same, promising on the faith and word of a King to fulfil, observe and cause it to be observed sincerely and faithfully, without acting or allowing any one to act contrary thereto, directly or indirectly, for any cause or on any account whatsoever. In Witness whereof, we have caused our seal to be affixed to these presents. Given at Versailles, the 9th day of April, in the year of Our Lord 1700, and of our reign the 57th.

*Signed* LEWIS,  
by the King,  
COLBERT.

*Endorsed* Read in Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

(<sup>1</sup>) 26 Feb. Ratification of the secret article. *Signed and Dated* as preceding, and with the same *pleinpouvoirs*. *French Text*.

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1700-1701. *Endorsed* (3). Delivered by Ld. Chamberlain, 26 Feb. 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]  
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 No. 1599.

(12) 26 Feb. Translation of preceding, as follows:—

The Ratification of the Secret Article.

Lewis, by the grace of God, King of France and Navarre. To all who shall see these present letters, Greeting. Whereas, our dear and well-beloved the Count de Tallard, Lieutenant-General of our Armies and of our Province of Dauphiny, our Ambassador Extraordinary in England, and the Count de Briord, Councillor in our Councils and our Ambassador Extraordinary to our most dear and great friends the States General of the United Provinces of the Netherlands, have, by virtue of the full powers which we gave them for that purpose, concluded, made and signed the one at London, the 3rd of March last, with William, Earl of Portland, Viscount of Cirencester, Baron of Woodstock, Knight of the Order of the Garter, and Privy Councillor to our most dear and entirely beloved brother the King of Great Britain, and Edward, Earl of Jersey, Viscount Villiers, Baron of Hoo, Knight Marshal of England, Principal Secretary of State and Privy Councillor to our said brother the King of England, in like manner provided with a full power on his part, and the other at the Hague, the following 25th day of the said month of March, with the Sieurs, John Van Essen, Burgomaster and Senator of Zutphen, Curator of the University at Harderwyck, Frederiek, Baron de Rheede, Lord of Liere, St. Anthony, Terlee, &c., of the Order of the Nobility of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary, Keeper of the Great Seal and Superintendent of the same Province, William de Nassau, Lord of Odijk, Cartgine, &c., First Noble and Representative of the Nobility in the Assembly of the States and Deputy Councillors of Zeeland, Everhard de Weede, Lord of Weede, Dickvelt, Rateles, &c., Lord Proprietor of the town of Oudewater, Dean and Escolatre of the Imperial Chapter of St. Mary at Utrecht, Dickgrave of the river Rhine in the Province of Utrecht and President of the States of the same Province, William van Harren, Grietman of the Belt, Deputy of the Nobility in the States of Friesland and Curator of the University of Franeker, Arnold Lemker, Burgomaster of the town of Devanter, and John van Heeck, Senator of the town of Groningen, all Deputies in the Assembly of the States General, on behalf of the States of Gelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overysse and Groningen and Ommelandt, in like manner also provided with full powers on the part of the States General of the United Provinces of the Netherlands, a secret article of the Treaty, concluded the 3rd and 25th days of March last, with our said brother the King of Great Britain and the said States General of the United Provinces of the Netherlands, the tenor of which article is as follows:—

The Secret Article.

His Most Christian Majesty, his Britannic Majesty and the States General being desirous to prevent the war which the death of his Catholic Majesty without children might produce, have agreed to a Treaty concerning his succession, which was signed at London the 3rd of March, 1700, N.S. and at the Hague, the 25th of the said 21st of Feb., 1699, O.S. month of March, 1700. And whereas in the 4th article of the said Treaty it is said, that the Duchies of Lorraine and Bar shall be yielded

to the Dauphin in exchange for the Duchy of Milan, which is to be given to the Duke of Lorraine, and the said two Kings and the States General, judging nothing more conducive to the end they propose, shall employ all their offices, either jointly or separately, to engage the said Duke of Lorraine to consent thereto.

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But whereas it is necessary to determine who shall be the Prince to whom the Duchy of Milan shall be given, and what shall be allowed to the Dauphin to indemnify him in lieu of the Duchies of Lorraine and Bar, if contrary to all appearance, the Duke of Lorraine will not give his consent to this exchange, notwithstanding the said continual and reiterated offices and endeavours during the life of the King of Spain, or until a set time hereunder agreed upon, after his death, the said two Kings and the States General above named are agreed that in such case his Britannic Majesty and the States General shall choose one of the two alternatives following at the expiration of the said term after the death of his Catholic Majesty :

That is to say, to put the said Duchy of Milan into the hands of the Elector of Bavaria, to have and enjoy the same, he, his children, male or female, heirs, successors and descendants, males or females, born and to be born, for ever, in full propriety and plenary possession and exchange, to join Navarre to the share of the Dauphin, to have and enjoy the same, he, his children, males or females, heirs or successors, descendants, male or female, born and to be born, in full propriety and plenary possession ; or, instead of Navarre, the town and duchy of Luxembourg and the county of Chinay. Or else to give the said Duchy of Milan to the Duke of Savoy to enjoy the same, himself, his children, male or female, heirs, successors and descendants, male or female, born and to be born, for ever, in full propriety and plenary possession. And in exchange to add to the Dauphin's share, the town and county of Nice, the Valley of Barcelonnette and the Duchy of Savoy, to enjoy the same for ever in full propriety and plenary possession, himself, his children, heirs, successors and descendants, male or female, born and to be born.

Moreover, the two Kings and the States General have agreed by this secret article, that although it is said by the 7th article of the said Treaty, signed at London, the 3rd March, 1700, N.S., and at the Hague, the 21 February, 1699, O.S.,

25th of the said month of March, 1700, that they should agree upon some Prince to whom the said share of the Most Serene Archduke shall be given, in case the Emperor and the King of the Romans refuse to subscribe the said Treaty after the term of three months has expired, which is to be reckoned from the day the same shall be notified to him ; nevertheless the Emperor shall be admitted to subscribe the said Treaty in the space of two months, to be reckoned from the day the death of his Catholic Majesty shall have been signified by his Most Christian Majesty to his Britannic Majesty and the States General. But, in case his Imperial Majesty refuses to enter into the same within the time as above prefixed, the two Kings, or their successors, and the States General, after the expiration of the time above mentioned, shall agree upon a Prince to whom the said share shall be given, and the rest that is contained in the said 7th article, from which there is no deviation made by what is said above, shall be punctually performed.

'Tis moreover agreed that if the Most Serene Archduke should go into Spain or the Duchy of Milan, notwithstanding it is expressed in the 8th article of the Treaty, whereto this present secret article relates, that he shall not be allowed to go thither before the death of his Catholic Majesty, but with the common consent of the two Kings



1700-1701. and the States General, his Britannic Majesty and the States General  
 — do engage to use all possible offices and endeavours, and to proceed  
 No. 1599. even to forcible means, if it be necessary, in short to take all due  
 measures in concert with his Most Christian Majesty to oblige his  
 Catholic Majesty and the Spaniards to send him back without delay  
 out of Spain or the Duchy of Milan. This article shall have the same  
 force as if it were inserted, word for word, in the Treaty to which it  
 relates, and it shall be registered in the Parliament of Paris immediately  
 after the death of his Catholic Majesty without issue.

Made and signed at London, by us Plenipotentiaries of France and  
 England, the 3rd of March, 1700, N.S., and the 1st of February, 1699,  
 O.S.; and at the Hague, by us Plenipotentiaries of France and the  
 States General, the 25th of the said month of March, 1700. *Signed*  
*and Sealed—*

(L.S.) TALLARD.	(L.S.) BRIORD.
(L.S.) PORTLAND.	(L.S.) JERSEY.
(L.S.) J. VAN ESSEN.	(L.S.) F. B. DE REEDE.
(L.S.) A. HEINSIUS.	(L.S.) W. DE NASSAU.
(L.S.) DE WEEDE.	(L.S.) W. VAN HARREN.
(L.S.) AR. LEMKER.	(L.S.) VAN HEECK.

[The text of the powers given to Count de Tallard and Count de  
 Briord are again inserted in full.]

We, liking well the said secret article with all its contents, have  
 accepted, approved, ratified and confirmed, and by these presents,  
 signed with our hand, do accept, approve, ratify and confirm the same,  
 promising by the faith and on the word of a King, to perform, observe  
 and cause it to be observed sincerely and faithfully without doing or  
 suffering any thing to be done to the contrary, directly or indirectly, for  
 any cause or occasion whatsoever. In Witness whereof, we have caused  
 our seal to be affixed to these said presents. Given at Versailles, the  
 9th day of April, in the year of Our Lord, 1700, and of our Reign, the  
 57th. *Signed* Lewis, by the King, Colbert. *Endorsed* Read  
 H. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608,  
 620.]

(*m*<sup>1</sup>) 26 Feb. Louis XIV.'s declaration that he is satisfied with the  
 Duchy of Milan in exchange for any right the Dauphin may have to  
 the Spanish Crown. *Signed* at Versailles, 9 April, 1700, Louis,  
 par le Roi, Colbert. *French Text. Endorsed* (No. 4). Delivered  
 by Ld. Chamberlain, 26 Feb., 1700. [The translation (next paper)  
 was read on 12 March. L. J., XVI. 608, 620.]

(*m*<sup>2</sup>) Translation of preceding, as follows:—

The King's Declaration—

Lewis, by the grace of God, King of France and Navarre, To all  
 those who shall see these present letters, Greeting. Know ye, that to  
 prevent the sad effects that the death of our most dear and most  
 beloved brother and brother-in-law the King of Spain without issue,  
 and the differences on account of his succession might produce, a  
 Treaty has been made between us, our most dear and beloved brother  
 the King of England, and our most dear and great friends the States  
 General of the United Provinces of the Low Countries, signed at  
 London, the 3rd day of March, 1700, and at the Hague, the  
 following 25th of the same month of March, and ratified this day.  
 And whereas by the 4th and 6th articles of the said Treaty, the said  
 succession is regulated, and a partition made in favour of our most dear  
 and most beloved only son the Dauphin, and of our most dear and most  
 beloved brother and cousin the Archduke Charles of Austria, second

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son of our most dear and most beloved brother the Emperor, upon condition, that by us solemn acts thereof shall be made in the strongest and best form that may be, to be delivered at the time of the ratification, of all that is contained in the 4th and 6th articles of the said Treaty above mentioned, and others at the time of the death of our said brother and brother-in-law the Catholic King without issue, which last shall in this case be acts of acquittance and renunciation then present. And whereas we desire nothing more than to fulfil the said Treaty and to prevent all manner of disputes which might happen upon the account of the said succession. For these and other causes us hereunto moving, we have said and declared, and by these presents signed with our hand do say and declare, as well in our own name as in the name of our said only son the Dauphin, his issue, males or females, heirs and successors, born and to be born, and to this effect we have likewise given power and permission to our said only son the Dauphin, that the case of the death of our said brother and brother-in-law the King of Spain coming to pass, we will hold our self satisfied, as by these presents we do hold ourself satisfied, with the partition and with the equivalent for the Duchy of Milan assigned to our said only son the Dauphin by the 4th article of the said Treaty, and by the secret article, in extinction of all his rights, actions and pretensions to the succession of Spain, without any exception or reserve, and so as neither we or our said only son shall pretend anything more. And that in consideration of the said partition and equivalent for the Duchy of Milan assigned to our said only son, we will declare at the time of the death of our said brother and brother-in-law the King of Spain that we will yield and transfer, as in the said case we do yield and transfer by this present act, as well in our own name as in the name of our said only son, his issue, males or females, heirs and successors, born and to be born, to our said brother and cousin the Archduke Charles, his issue and descendants, males or females, heirs and successors, born and to be born, pursuant to the said Treaty, all the other rights and pretensions that in such case we or our said only son, his issue, males or females, heirs and successors, born and to be born, shall or might have to the said succession of Spain, without any exception or reserve, but of the partition and equivalent assigned to our said only son by the 4th article and by the secret article of the said Treaty, we consent and agree, in pursuance of the 6th article of the said Treaty, that the Crown of Spain and all the other kingdoms, islands, states, countries and places, which at this time depend thereupon, as well within as without Europe, assigned to our said brother and cousin the Archduke, do remain or abide to him in partition, in entire propriety and full possession, the same to be enjoyed by him, his issue, males or females, heirs and successors, born and to be born, for ever, without being at any time molested by us, our said only son, his issue and descendants, males or females, heirs and successors, born and to be born, under any pretence whatsoever of rights or pretensions, directly or indirectly, even by cession, appeal, revolt or any other way whatsoever. Moreover, we declare, as well in our own name as in the name of our said only son, his issue, males or females, heirs and successors, born and to be born, that we will renounce in consideration of the said partition and equivalent for the Duchy of Milan, at the time of the death of our said brother and brother-in-law the King of Spain, as in this case we do renounce by these presents, all rights, actions and pretensions which appertain to us, or to our said only son, and which might appertain to us upon the said Crown of Spain, and upon the other kingdoms islands, states, countries and places, as well without as within Europe,



- 1700-1701. which at this time depend thereupon, and which by the said Treaty are yielded and assigned to our said brother and cousin the Archduke Charles, his issue and descendants, males or females, heirs and successors, born and to be born. Lastly, we do promise, as well in our own name as in the name of our said only son the Dauphin as above said, that we will contribute with all our power for procuring to our said brother and cousin the Archduke, his issue and descendants, males or females, heirs and successors, born and to be born, as also to those who are mentioned in the 9th article of the said Treaty, all the effects and enjoyment of the said Treaty, and that we will observe it and cause it to be observed inviolably. We consent that the present act or declaration, which has been made double, be deposited in the hands of our said brother the King of Great Britain, as likewise in the hands of the States General, there to remain till the death of our said brother and brother-in-law the King of Spain without issue, presently after which we will cause an act to be made like unto this, wholly unconditional, and for the case then become present, by which we will approve and confirm anew the said Treaty, as well in our own name as in the name of our said only son, his issue and descendants, males or females, heirs and successors, born and to be born. And we will cause it to be delivered to our said brother and cousin the Archduke. Promising not to enter into possession of the partition of our said only son, nor to suffer him to enter into it before the said act be delivered as above. We will likewise and intend that this present declaration be executed and have its full and entire effect, even though there should be any stop put to the delivering of that which ought to be made out presently after the death of our said brother and brother-in-law the King of Spain. In Witness of which we have caused our seal to be put to these presents. Given at Versailles, the 9th day of April, in the year of Grace, 1700, and of our reign, the 57th. *Signed* Lewis, by the King, Colbert. *Endorsed* Read in Ho. Peers, 12<sup>o</sup> Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

(*n*<sup>1</sup>) 26 Feb. The Dauphin's declaration to the same effect as preceding. *Signed* at Versailles, on 9 April, 1700, Louis, par Monseigneur le Dauphin, Colbert. It embodies the Second Partition Treaty and the separate and secret articles (Papers (*i*), (*h*), (*l*) above), together with the pleinspouvoirs of the King and the Dauphin to MM. Tallard and Briord. *French Text. Endorsed* (5). Delivered by Lord Chamberlain, 26 Feb., 1700. [The translation (next paper) was read on 12 March. L. J., XVI. 608, 620.]

(*n*<sup>2</sup>) 26 Feb. Translation of preceding, omitting the Treaty, the separate and secret articles and the King's pleinspouvoirs. It is as follows:—

The Dauphin's Declaration:—

Lewis, Dauphin of France, the King's only son, To all who these present letters shall see, Greeting. Know ye that having read and examined the Treaty made between the King, our most honoured Lord and father, our most dear and most beloved brother the King of England, and our most dear and great friends the States General of the United Provinces of the Low Countries, signed at London, the 3rd March, 1700, and at the Hague, the following 25th day of the said month of March, to settle the succession of the Crown of Spain, in case our most dear and most beloved brother and uncle the Catholic King should come to die without children, and to prevent the melancholy consequences which such a case might give birth to, unless timely

provided against, as also the separate and secret articles, whereof the contents follow :— 1700-1701.

[Here is inserted the Treaty and the separate article and secret article.] No. 1599.

The King's permission to the Dauphin, of granting powers to Monseigneur de Tallard :—

Lewis, by the grace of God, King of France and of Navarre, To all who these present letters shall see, Greeting. We have sent to our most dear and well-beloved the Count de Tallard, Lieutenant General of our Armies and in our Province of Dauphiné and our Ambassador Extraordinary in England, a power to treat, conclude, agree and sign, with such persons as shall have a like power from our most dear and most well beloved brother the King of Great Britain, and from our most dear and great friends the States General of the United Provinces of the Low Countries, such articles and conventions as shall be judged necessary for preventing the events which might interrupt the public tranquillity; and we have been willing at the same time, that we might omit nothing that lies in our power, to authorise our most dear and most beloved only son the Dauphin to give, on his part, all the necessary acts to the same purpose. For these causes and others, us thereunto moving, we have permitted and do permit by these presents, that our only son do give unto the said Count de Tallard, all the necessary powers to treat and transact concerning the rights and pretensions, and consequently to make the renunciations which may be therein stipulated; Promising on the faith and word of a King, to approve the same, and to consent that they shall be accomplished and put in execution, as fully and in the same manner as what shall be done in pursuance of the power which we ourselves have given to the Count de Tallard. In Witness whereof we have signed these presents with our own hand, and caused the same to be sealed with our secret seal. Given at Versailles, this 26th day of March, in the year of Grace, 1699; and of our reign, the 56th. *Signed* Lewis; and on the fold, by the King, Colbert; and *Sealed* with the secret seal.

[The text of the powers granted by Monseigneur to the Count de Tallard is then inserted in full.]

#### The Dauphin's Declaration.

We declare, in pursuance of the power and permission granted to us by the King, our most honoured Lord and father, and of the power which we have given to our dear and well-beloved Camille d'Hostun, Count de Tallard, Lieutenant-General of his Armies and in his Province of Dauphiné and his Ambassador Extraordinary to our said brother the King of Great Britain, and our dear and well beloved Gabriel, Count de Briord, Marquis de Senosan, Councillor in his Councils and his Ambassador Extraordinary to the said States General of the United Provinces of the Low Countries, that we have allowed, approved and ratified, as we do allow, approve and ratify by these presents, the said Treaty, and the separate and secret articles according to their form and tenor, and that we will oblige and engage, as we do oblige and engage ourselves, to observe and cause to be observed the said Treaty and the separate and secret articles on the same conditions, obligations and guarantees therein expressed, which shall have the same force as if they were here anew repeated, and particularly the 4th and 6th articles of the said Treaty, by which a partition is made of the said succession of Spain in our favour, as also in favour of our most dear



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and most beloved brother and cousin the Archduke Charles of Austria, second son to our most dear and most beloved brother the Emperor, on condition that by us shall be made the present act in the most effectual, the best and the most solemn form that may be, to be delivered at the time of the ratification of all that is contained in the said 4th and 6th articles of the Treaty above-mentioned and others at the time of the death of our said brother and uncle the Catholic King without issue, which last acts shall be in that case acts of acquittal and renunciation which shall then be present, and desiring nothing more than to fulfil the said Treaty and the separate and secret articles and to prevent all manner of disputes which might happen on the occasion of the said succession. For these causes and others, us thereunto moving, we have said and declared, as we do say and declare by these presents, as well in our name as in the name of our children, male and female, heirs and successors that now are or hereafter shall be born, that the said case happening we shall hold ourselves satisfied, as in the said case we do hold ourselves satisfied by these presents, with the share and the equivalent for the Duchy of Milan, unto us assigned by the 4th article of the said Treaty and the secret article, in extinction of all our rights, actions and pretensions upon the succession of Spain without any exception or reserve, and so as we shall not be able to pretend anything further, and that hereafter in consideration of the said share or equivalent for the Duchy of Milan unto us assigned and the said case coming to pass, we declare that [we] will then yield and transfer at the time of the death of the King of Spain, as in the said case we do yield and transfer by these presents, as well in our own name as in the name of our children, male or female, heirs and successors that now are or hereafter shall be born, to our said brother and cousin the Archduke Charles of Austria, his heirs and successors that are or hereafter shall be born, conformable to the 9th article all our other rights, actions and pretensions which in such case we and our children, male or female, heirs and successors that now are or hereafter shall be born, shall or may have on the said succession of Spain, without any exception or reserve, saving only what is allotted us by the 4th article and the secret articles for our share and equivalent of the Duchy of Milan. We consent and allow that in pursuance of the 6th article of the said Treaty, the Crown of Spain and all the other kingdoms, islands, states, countries and places now depending thereon, both within and without Europe, allotted to our said brother and cousin the Archduke, be given and remain, as his share to our said brother and cousin the Archduke, his children and descendants, male or female, heirs and successors that now are or hereafter shall be born, for ever, so as they may never be molested by us or our children and descendants, male or female, our heirs and successors that now are or hereafter shall be born, under any pretence whatsoever, of rights or pretensions, directly or indirectly, even by cession, appeal, revolt or any other way. And, moreover, we declare, as well in our own name as in the name of our children and descendants, male or female, heirs and successors that now are or hereafter shall be born, that we renounce, in consideration of the said share, at the time of the decease of our said brother and uncle the King of Spain, all the rights, actions and pretensions which shall or may belong to us, upon the said Crown of Spain and upon all the other kingdoms, islands, states, countries and places, as well without as within Europe now depending thereon, and which by the Treaty are yielded and assigned to our said brother and cousin the Archduke, and to his children, male or female, his heirs and successors that now are or hereafter shall be born.

In fine, we promise, as well in our own name as in the name of our children and descendants, male or female, heirs and successors that now are or hereafter shall be born, that we will contribute with all our power to our said brother and cousin the Archduke, his children and descendants, male or female, heirs and successors that now are or hereafter shall be born, as also to all those who are mentioned in the 9th article of the said Treaty, their having all the effect and enjoyment of the said Treaty and secret article; and we consent that this instrument, which shall be made double, shall remain in trust in the hands of our said brother the King of Great Britain, as also of the said States General, until the death of our said brother and uncle the King of Spain without issue; immediately after which we will cause to be made an act like unto this, wholly unconditional, for the case which will then be present, by which we will approve and confirm anew the said Treaty and the separate and secret articles, as well in our own name, as in the name of our children and descendants, male or female, heirs and successors that now are or hereafter shall be born, and will cause the same to be delivered to our said brother and cousin the Archduke. Promising not to enter into possession of the said share before the said act be delivered. We will also and intend that the present declaration be put in execution and have its entire and full effect, even though there should happen to be some delay in delivering that which is to be despatched after the death of our said brother and uncle the King of Spain. In Witness whereof, we have signed these presents with our own hand, and have caused our ordinary seal to be affixed thereto. Given at Versailles, the 9th day of April, 1700. *Signed and Sealed* Lewis, by Monseigneur the Dauphin, Colbert. (L.S.) *Endorsed* Read Ho. Peers, 12 Martii, 1700. [Delivered this day. L. J., XVI. 608, 620.]

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(o<sup>1</sup>) 14 March. List of five papers (*see* next five papers) delivered by Mr. Yard and read this day. L. J., XVI. 622. *In extenso*. [See Notes above.]

(o<sup>2</sup>) 14 March. Copy of William III.'s full power to E. Portland and E. Jersey to treat with Louis XIV. and the States General, as follows:—

Gulielmus Tertius, Dei Gratiâ, Magnæ Britanniæ, Franciæ et Hiberniæ Rex, fidei Defensor, &c. Omnibus ad quos præsentēs literæ pervenerint, Salutem. Quum ad conservandam universæ Europæ quietem plurimum conducere arbitramur, ut de efficacissimis mediis quibus redintegratæ pacis beneficia confirmari ac conservari possint, sedulo et opportunè provideatur neque ullum publicæ tranquillitati immutandæ periculum evidentius imminere quam si eveniat ut Rex Catholicus, nullam sobolem superstitem relinquens, moriatur, (illum vero Regem diu superesse exoptamus), ac proinde principes illam successionem non tam jure quam viribus vindicantes crudelissimum bellum per tota florentia regna, provincias ditionesque excitent, quumque Nobis spes maxima elucescat hæc bella averti posse atque omnia amice et feliciter componi, si de cujusque rationibus et commodis in medium provide consuleretur. Quum Nobis denique innotescat Sere-  
nissimum Principem et Domm. Domm. Lodovicum XIV, Regem Christianissimum, ac Præpotentes Domos. Domos., Ordines Generales Fæderatarum Belgii Provinciarum, in eodem prorsus animo esse. Sciatis igitur quod Nos fide, prudentia, ac in rebus gerendis usu præfidelis et perquam dilecti consanguinei et conciliarii Nostri Gulielm., Comitis Portlandiæ, Vice Comitis de Cirencester, Baronis de Woodstock, Ordinis Nostri Periscilidis Equitis, necnon præfidelis et perquam



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dilecti consanguinei et conciliarii Nostri Edwardi, Comitis de Jersey, unius primariorum Secretariorum Nostrorum Status, plurimum confisi, eosdem fecimus, ordinavimus et deputavimus, ac per præsentis facimus, ordinamus et deputamus veros et indubitatos commissarios et plenipotentarios Nostros, dantes et concedentes eisdem aut eorum alteri plenam et omnimodam potestatem atque auctoritatem, pariter et mandatum generale ac speciale, ut pro Nobis et Nostro Nomine cum præfatorum Serenissimi Regis Christianissimi ac Dominorum, Ordinum Generalium Fæderatarum Belgii Provinciarum, commissario ac plenipotentario sive commissariis ac plenipotentariis de et super præmissis convenient, colloquantur ac tractent, eaque omnia perficiant et concludant quæ ad bella de successione Hispanica avertenda stabiliendamque Europæ pacem omni meliori modo faciant et conducant, promittentes bona fide, et in verbo regio, Nos omnia et singula, quæ a dictis commissariis ac plenipotentariis Nostris, vel eorum altero, vi præsentium, conclusa fuerint, grata rata et firma habituros, nec contra eorum aliquid contraventuros, sed eadem sancte et inviolabiliter observaturos. In quorum omnium majorem fidem ac robur, hasce literas Mann Nostra Regia signatas, Magno Nostro Angliæ Sigillo muniri fecimus. Quæ dabantur in Palatio Nostro, apud Kensington, die 2<sup>o</sup>

Mensis Januarii, Anno Domini <sup>1699</sup>1700. Regnique Nostri Undecimo.

*Signed* Gulielmus R. *Endorsed* (1) Copie du plein pouvoir, &c.,  
touchant la succession d'Espagne, 2 Jany., <sup>99</sup>1700. [Delivered at the

Table by Mr. Yard this day, and read. L. J., XVI. 622.]

(o<sup>3</sup>) 14 March. Copy of the Warrant under the King's Sign Manual, to the Lord Chancellor, John, Lord Somers, for affixing the Great Seal to the power to treat with the French Ambassador, &c.

(preceding paper). *Dated* Kensington, 2 Jan., <sup>1699</sup>1700. *Signed* by his Majesty's Command, Ja. Vernon. *Endorsed* (2). [Delivered by Mr. Yard this day, and read. L. J., XVI. 622.]

(o<sup>4</sup>) 14 March. Copy of William III.'s ratification of the Second Partition Treaty, as follows:—

Gulielmus Tertius, Dei Gratiâ, Magnæ Britanniae, Franciæ et Hiberniæ Rex, Fidei Defensor, &c. Omnibus et singulis ad quos præsentis literæ pervenerint, Salutem. Quandoquidem inter Nos et Serenissimum ac Potentissimum Principem et Dominum Dominum Ludovicum XIV, Regem Christianissimum, et Celsos ac Præpotentes Dominos Dominos, Ordines Generales Fæderatarum Belgii Provinciarum, per ministros speciatim deputatos ac plenâ potestate munitos; Nostrâ scilicet ex parte per Nostros perquam fideles consanguineos et conciliarios Gulielmum, Comitem Portlandiæ, Vice Comitem de Cirencester, Baronem de Woodstock, Ordinis Nostri Periscilidis Equitem et consiliis Nostris intimis; et Edwardum, Comitem de Jersey, Vicecomitem Villiers de Dartford, Baronem de Hoo, Equitem Marescallum Angliæ, Secretarium Nostrum Statûs Primarium et consiliis itidem Nostris intimis: ex parte Regis Christianissimi, per Camillum d'Hostun, Comitem de Tallard, Regis ejusdem Christianissimi Legatum ad Nos Extraordinarium, ac indicti Regis exercitibus et in Provinciâ Delphinatus locum tenentem Generalem, et per Gabrielem, Comitem de Briord, Marchionem de Senosan, Conciliarium dicti Regis in omnibus suis consiliis et ad Dominos, Ordines Generales Foederati Belgii, Legatum Extraordinarium; ex parte vero Dominorum, Generalium Foederati Belgii Ordinum, per Dominos, Johannem de Essen, Consulem et Senatorem civitatis Zutphaniæ, Academiæ Hardervicensis Procuratorem,

Fredericum, Liberum Baronem de Rheede, Dominum de Licre, &c., ex 1700-1701.  
 Equestrium Ordine in Consessu Dominorum Hollandiæ et Westfrisiæ,  
 Antonium de Heinsius, Conciliarium et Syndicum Hollandiæ, Magni —  
 Sigilli et Archivorum Custodem, Feudorum Præsidem et Moderatorem, No. 1599.  
 Gulielmum de Nassau, Dominum d'Odijs, Cartagine, &c., Primum  
 Nobilem eorumque Deputatum Repræsentantem in Ordinum Zeelandiæ  
 Consessu, Eberhardum de Weede, Dominum de Dyckvelt, Rateles, &c.,  
 Dominum fundi civitatis d'Oudewater, Capituli Imperialis Sanctæ  
 Mariæ Ultrajecti ad Rhenum Decanum, Consiliarium primum et  
 Præsidem Consessus ejusdem Provinciæ et aggerum fluminis Rheni  
 Præfectum et Prætorem Summum, Gulielmum Van Harren, Biltiæ  
 Frisorum Grietman, in Consessu Ordinum Frisiæ a parte Nobilium  
 Deputatum, Academiæ Franiceniæ Curatorem, Arnoldum Lemker,  
 civitatis Devantriensis Consulem, et Joannem Van Heeck, civitatis  
 Groningæ Senatorem, ut avertantur bella et dirimantur lites quæ ex  
 morte Regis Catholici sine prole decedentis oriri possint. Vigesimo  
 primo die mensis Februarii, Anno Millesimo Sexcentissimo Nona-  
 gesimo Nono, Stylo Veteri, Stylo autem Novo, tertio die Martii, Anno  
 Millesimo Septingentesimo, tractatus Londini initus et conclusus sit  
 forma, modo et tenore sequenti.

Fiat Insertio Tractatus.

Nos supra descripto tractatu rite examinato eundem in omnibus et  
 singulis ejus articulis approbavimus et confirmavimus et firmum  
 ratumque habuimus, sicut per præsentem pro Nobis hæredibus et  
 successoribus Nostris approbamus, confirmamus et firmum ratumque  
 habemus, spondentes et in verbo regio promittentes Nos præfatum  
 tractatum omniaque in eo contenta bonâ fide observaturos et executioni  
 mandaturos. In quorum majus robur et testimonium præsentem Manu  
 Nostrâ Regiâ signatas, Magno Nostro Angliæ Sigillo muniri fecimus;  
 quæ dabantur apud Aulam Nostram de Kensington, Undecimo Die mensis  
 Martii Secundum, Stylum Veterem, Anno Millesimo Sexcentesimo  
 Nonagesimo Nono, regni Nostrî Duodecimo. *Signed* Gulielmus R.  
*Endorsed* (3). Copie de l'Acte de ratification du Traité pour la  
 France, comme aussi pour la Hollande. [Delivered by Mr. Yard this  
 day, and read. L. J., XVI. 622.]

(o<sup>5</sup>) 14 March. Copy of William III.'s ratification of the separate  
 and secret articles of the Second Partition Treaty, as follows:—

Gulielmus Tertius [&c., as in preceding] omnibus et singulis ad quos  
 præsentem literæ pervenerint notum testatumque facimus, Quandoquidem  
 perquam fideles consanguinei et conciliarii Nostrî Gulielmus, Comes  
 Portlandiæ, &c., et Edwardus, Comes de Jersey, &c. præter tractatum  
 de successione Hispanicâ, die vigesimo primo mensis Februarii, Anno  
 Millesimo Sexcentesimo Nonagesimo Nono, Stylo Veteri, Stylo autem  
 Novo, tertio die Martii, Anno Millesimo Septingentesimo, Londini, et  
 die vigesimo quinto Martii, Anno Millesimo Septingentesimo, Stylo  
 Novo, Hagæ, Comitum conclusum cum Camillo d'Hostun, Comite de  
 Tallard, &c., et cum Gabrieli, Comite de Briord, &c.; necnon cum  
 Dominis, Johanne de Essen, &c., [and so on with the rest of the Dutch  
 Plenipotentiaries mentioned in preceding paper], virtute plenarum  
 potentiarum iisdem itidem respective concessarum insuper in articulum  
separatum convenerunt, cujus tenor hic sequitur.

Fiat insertio articuli separati  
secreti.



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Nos supra descripto articulo <sup>separato</sup><sub>secreto</sub> rite perpenso eundem ac quicquid in eo continetur, ratificavimus et confirmavimus, sicut per præsentés pro Nobis, hæredibus et successoribus Nostris, confirmamus raturumque habemus, non aliter ac si descriptus articulus <sup>separatus</sup><sub>secretus</sub> in dicto tractatu de verbo in verbum insertus esset, spondentes et in Verbo Regio promittentes Nos descriptum articulum <sup>separatum</sup><sub>secretum</sub> forca fide observaturos, neque in quopiam contraventuros aut contraveniri passuros. In quorum majus robur præsentés Manu Nostrâ Regiâ signatas [&c., as in preceding]. *Signed* Gulielmus R. *Endorsed* (4).

Copie de l'acte de ratification de l'article <sup>separé</sup><sub>secret</sub> pour la France comme aussi pour la Hollande. [Delivered by Mr. Yard this day, and read. L. J., XVI. 622.]

(o<sup>6</sup>) 14 March. Copy of William III.'s Warrant, under his Sign Manual, to John, Lord Soñers, Lord Chancellor, for affixing the Great Seal to the Second Partition Treaty and to the separate and secret articles, to be exchanged with the French King and the States General. *Dated* Kensington, 10 April, 1700. *Signed*, by his Majesty's command, Jersey. *Endorsed* (5). [Delivered by Mr. Yard this day, and read. L. J., XVI. 622.]

(p) 17 March. Copy of William III.'s pleinpouvoir, under his Sign Manual, to E. Portland and E. Jersey to treat with the Emperor, France and Holland, 1 July, 1699. *Endorsed* as received this day.

(q<sup>1</sup>) 18 March. King William III.'s Message, under his Sign Manual, communicating to the House this day the next two papers. *Dated* Kensington, 17 March. L. J., XVI. 626-27. *In extenso*.

(q<sup>2</sup>) 18 March. Proposals made to the French Ambassador by Mr. Stanhope, to include the Emperor in the Partition Treaty, to exclude French troops from the Spanish Netherlands, that Ostend and Newport should be held by England, &c. C. J., XIII. 411. *In extenso*. *Endorsed* (1). [Presented by L. Chamberlain in preceding Message this day, and read. L. J., XVI. 626-7.]

(q<sup>3</sup>) 18 March. Translation of the Resolution of the States-General for treating with M. D'Avaux, 22 March, 1700-1, in which stipulations corresponding to those proposed in the preceding paper are demanded, the towns to be surrendered to the States-General being Vento, Roermonde, Steevenswaardt, Luxembourg, Namur, Charleroy, Mons, Dendermonde, Damnie and St. Donaas. C. J., XIII. 411-2. *In extenso*. *Endorsed* (2). [Presented by L. Chamberlain, in (q<sup>1</sup>) above, this day, and read. L. J., XVI. 626-7.]

(r<sup>1</sup>) 31 March 1701. King William III.'s Message, under his Sign Manual, communicating to the House, this day, the next three papers. *Dated* Kensington, 31 March, 1701. L. J., XVI. 638-9.

(r<sup>2</sup>) 31 March. Extract out of the Register of the Resolutions of the States General, <sup>4 April,</sup><sub>24 March,</sub> 1701, containing the Resolution to communicate to Mr. Stanhope Louis XIV.'s readiness to assent to the propositions of the States and to renew the Treaties of Ryswick. C. J., XIII. 462. *In extenso*. *Endorsed* (2). [Delivered by L. President this day in preceding Message, and read. L. J., XVI. 639.]

(r<sup>3</sup>) 31 March. Translation of Resolution of the States General, 4 April, N. S. 1701, requiring Sieur Essen and others to represent to Mr. Stanhope that the States had equipped the ships required of them,

and that they were ready to join the English fleet; and desiring that the 10,000 men promised them by England be sent the sooner the better. C. J., XIII. 462. *In extenso. Endorsed* (3). [Delivered by L. President this day, in (r<sup>1</sup>) above, and read. L. J., XVI. 639.]

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(r<sup>4</sup>) 31 March. Translation of the Envoy of the States General's Memorial, dated 30 March 1701, communicating the substance of preceding Resolution to King William III. C. J., XIII. 462. *In extenso. Endorsed* (1). [Delivered by L. President this day and read. L. J., XVI., 639.]

(s) 2 April. Commons' Message to the Lords, for information concerning the negotiations for the Partition Treaty, communicated this day at the Conference. L. J., XVI. 642. *In extenso.*

(t) 3 April. E. Portland's paper, stating how, against his will, he had been persuaded by Mr. Secretary Vernon to undertake the negotiations for the Treaty with the Emperor, the French King and the States. Delivered this day, and read. L. J., XVI. 643. *In extenso.*

(u) 9 May. Papers presented, by command, this day, by L. Chamberlain. They are as follows, viz.:—

(u<sup>1</sup>) 9 May. Copy of Mr. Stanhope's letter to Mr. Secretary Hedges, as to his inclusion in the Conference between the States General and the French Ambassador, and as to hastening the succours from England. *Dated* at the Hague,  $\frac{13}{2}$  May, 1701. L. J., XVI. 674. *In extenso.*

(u<sup>2</sup>) 9 May. Translation of the States General's letter to King William III., on same subjects as preceding paper. *Dated* at the Hague, 13 May, 1701. *Signed* The States General of the United Provinces. H. Wichers. By order of the States, J. Fagel. L. J., XVI. 674-5. *In extenso.*

1600. March 13. City of London Trust Act.—Amended Draft of an Act for transferring a trust in lands belonging to the city of London unto new trustees. The amendments, made in the Select Committee, were to insert the names of the new trustees. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 12 June 1701. L. J., XVI. 620, 739. 13 Will. III. c. 29 in Long Cal. See Com. Book 29 March 1701.]

Annexed :—

(a) 7 March. Petition of the Lord Mayor, Aldermen and Common Council of the city of London. Charles I., in consideration of great sums of money advanced and paid to him by Petitioners' predecessors, granted by Letters Patent divers lands and manors in several counties in fee farm to Edward Ditchfield, John Highlord, Humphry Clerk and Francis Mosse, in trust for Petitioners, which property by mean assignments became afterwards invested in John Stone, Nathaniel Manton, Methuselah Turner and Thomas Benson, in trust for Petitioners. All these trustees are dead, and Petitioners cannot discover the right heir of the survivor, in whom the estate is legally vested, so that they cannot make leases, &c. Pray leave to bring in a Bill to revive the trust. *Signed* Ashhurst. [Read this day and leave given to bring in a Bill. L. J., XVI. 615.]

(b) 29 March 1701. Paper of amendments made in the Select Committee this day. The amendments were to insert the names of the new trustees. Com. Book.

(O. 14.)

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1700-1701. 1601. March 14. Writ of Summons (E. Sussex).—Writ of Summons to Thomas, E. Sussex. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 622.]  
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No. 1601.

1602. March 17. Writ of Summons (L. Willoughby of Parham).—Writ of Summons to Hugh, L. Willoughby de Parham. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 624.]

1603. March 17. *Lester v. Foxcroft*.—Petition and Appeal of Ralph Lester, citizen and plasterer of London. Isaac Foxcroft let to Appellant some of his land in the parish of St. Giles on a building lease, at a rent of 150*l.* after the first year, under a verbal agreement. Appellant accordingly built 14 houses upon the land, borrowing part of the money from Foxcroft.

Foxcroft made his Will, leaving the property to his second son, and charged Appellant's wife to get a lease drawn according to the agreement with Appellant. This was done. The lease was brought to him to sign, but, owing to a mistake having been made in a name, he died without executing it, and Respondents, who have been applied to since his death, have refused to execute the lease. Appellant therefore exhibited his Bill in Chancery against them to compel them to carry out the agreement and execute the lease, but the Lord Keeper declared that there was not sufficient proof of the agreement and dismissed the Bill. Appeals from this dismissal. *Signed* by Appellant. *Countersigned* J. Jekyll, Hen. Poley. L. J., XVI. 625.

[The Cause was heard on 7 April. *Mr. Solicitor*, for the Appellant: The Appellant built several houses—part of Wilde House. *Mr. Pooley*, for the Appellant: There is an evidence of an agreement; I don't say what it was. Then the lease makes it appear that there was an agreement in writing. They propose to read the lease in which the name was mistaken. *Counsel* for the Respondents agree to read it, though no proof [appears] of its being read before. *Mr. Webb*, for two of the Respondents: We pray the lease may be executed. This I pray for Eliza Foxcroft and Benjamin Williams. *Sir Thomas Powys* and *Mr. Dodd* are also heard for Respondents. *Ordered* that the Deeree be reversed and a lease executed. MS. Min. L. J., XVI. 645.]

Annexed :—

(a) 26 March 1701. Several Answer of Henry and Isaac Foxcroft, infants, by Francis Nicholson, their guardian, and of Francis Nicholson himself. Isaac Foxcroft, the father, by his Will left his premises, in the parish of St.-Giles-in-the-Fields, to his son Isaac, making Respondent Nicholson his guardian. Nicholson was also quite willing to manage the property, but Elizabeth Foxcroft, who was her father's executrix, did not allow the tenants to pay him any rents. It is unlikely that the Appellant was in any way concerned in the building of the houses, except as a paid servant, and very improbable that Foxcroft should have lent him money without any security or agreement in writing. Moreover, if there had been an agreement ready for execution Appellant would not have waited for three years without getting it executed, but, as it was not put into writing, the estate is not affected by it. Pray that the Appeal may be dismissed with costs. *Signed* Fra. Nicholson. *Countersigned* Tho. Powys, Jo. Clapham. *Endorsed* as brought in this day.

(b) 27 March. Answer of Elizabeth Foxcroft and Benjamin Whicheott. Isaac Foxcroft having purchased Wilde House and the ground belonging to it, and intending to let the land upon

building leases, agreed to give the Appellant a 99 years' lease of part of the land. By his Will he left Elizabeth 10,000*l.* and made her executrix, and she, being satisfied that he intended to execute the lease, is willing, as is Respondent Whichcott, that it should be executed now, if their Lordships think fit, and the more so as otherwise the debt due from Appellant to the estate will be lost, and Respondent will not get her legacy, or be able to pay the other legacies and debts of the Testator. *Signed* by Respondents. *Countersigned* Hen. Penton. *Endorsed* as brought in this day.

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No. 1603.

1604. March 18. *Dormer v. Bertie*.—Petition and Appeal of John Dormer, Esq., of Ascott, in the county of Oxford. Robert Dormer, of Dorton, in the county of Buckingham, who had an estate in that county worth 2,000*l.* a year and also possessed personal estate to the value of 20,000*l.*, died without issue in 1693. His real estate ought to have come to Appellant as his heir-at-law, but Peregrine Bertie, Charles Bertie and Henry Bertie, Esqs., who were half brothers to Robert Dormer's mother, and Henry Cane, set up a Will, dated 1693. By this Will 200*l.* a year was left to Charles Dormer, (half brother of Robert), 200*l.* a year to each of the younger brothers, William, Robert, Phillip and James, and 1,000*l.* to Frances Dormer, (half sister of Robert), the residue of the real and personal estate was to go to the Berties and Cane, who were to be executors. Cane and the Berties also claim under the Will a most noble seat which cost 20,000*l.* to build, a real estate of about 1,000*l.* a year and a personal estate of 20,000*l.* Appellant exhibited his Bill in Chancery claiming the surplus of the real estate beyond the bequests and three years' profits after the Testator's death of the lands left to the Berties and Cane. By mismanagement of Appellant's agents evidence was not taken to show that the executors were only acting as trustees for the Appellant as heir-at-law. His Bill was therefore dismissed. Appeals against the dismissal. *Signed* by Appellant. *Countersigned* Wm. Whitelocke, Wm. Dobyns. L. J., XVI. 627. [The Cause was heard on 5 May 1701. *Mr. Cooper*, for the Appellant: The matter arises upon the words of the Will. The question is whether these words import a trust for the benefit of the heir-at-law. *Sir W. Whitelocke*, also for the Appellant, cites the case of *Coke v. Guavas*. *Bassett v. Hungerford* cited: We desire the reversal of this dismissal and that we have a Decree for the Appellant to enjoy the overplus of the estate. They read the Will. They read depositions—the wood near 3,000*l.* *Sir Thomas Powys* and *Mr. Pooley* are heard for the Respondents and *Mr. Serjt. Selby* for the half brothers. Appeal dismissed. MS. Min. L. J., XVI. 667.]

Annexed :—

(a) 31 March 1701. Answer of the Hon. Charles Bertie and Henry Bertie, Hon. Bridgett Bertie, Anthony Henley, Esq., and Mary, his wife, (daughter of the Hon. Peregrine Bertie, deceased), and of Henry Cane, Matthew Cane, Charles Cane and John Cane, (four of the sons of Henry Cane, sen., Gent., deceased). Robert Dormer was indebted to divers persons to the amount of 14,000*l.*, and his personal estate was not nearly enough to pay his debts. His devise to the executors was in their own right and not in trust for the Appellant, whom by his Will he excluded from any interest in the estate. In his life time he declared that his cousin, (the Appellant), had spent a good part of his father's estate and he was resolved that he, (Appellant), should



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No. 1604.

never spend his. He was disgusted with Appellant for not visiting him, and also on account of a breach and separation which had happened in Appellant's family. There are no words in the Will implying any such trust and it is unlikely that persons in the position of the Berties would be made trustees for Appellant. The testator's debts exceeded his personal estate by eight or nine thousand pounds and sufficient money could not be raised to pay them. The residue is worth about 400*l.* a year. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* Hen. Poley. *Endorsed* as brought in this day.

(b) 1 April. Answer of John Dormer, of Rowsham, Esq., Charles, William, Robert, Philip and James Dormer, Esqs. Respondents do not know what the surplus of Robert Dormer's estate will amount to or to whom it belongs, but leave it to the House to decide. Pray that they may have the benefit of the Will and the Orders appealed against, and that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* Ja. Selby. *Endorsed* as brought in this day.

(c) 7 April. Petition of Appellant that the Hearing may be put off for some days. *Endorsed* as read this day. *Ordered* to be heard on Tuesday in next week. L. J., XVI. 644.

1605. March 19. Bennett's Estate (Poor of West Kirby) Act.—Amended Draft of an Act for vesting [of]\* the estate of Thomas Bennett, late of Newton-cum-Larton, in the county of Chester, in trustees for the use of the poor of West Kirby, pursuant to the Will of the said Thomas Bennett. The amendments, made in the Select Committee, in addition to several drafting amendments, were (1) to leave out the words, to the full value, before the words, for any term, in the clause providing for the letting of the residue by the trustees; (2) to leave out, before the general saving clause, the following proviso, viz., that this Act shall not extend to prejudice the right of any person claiming within two years after the 1st day of this Session of Parliament:—and to add the general saving clause at the end. The only amendment in the Commons was of a clerical nature. C. J., XIII. 525. [Read 1<sup>a</sup> this day. Royal Assent 12 June 1701. L. J., XVI. 627, 739. 13 Will. III. c. 32 in Long Cal. See Com. Book April 5, 7.]

Annexed:—

(a) 13 March. Petition of the poor inhabitants of West Kirby, in the county of Chester, and others, the creditors and legatees of Thomas Bennett, of the said parish, deceased. Thomas Bennett, was seised of lands in Newton-cum-Larton, Newbold, Sanghall, Massie and Grange, worth 105*l.* a year. He devised them by Will, first for payment of his debts and legacies, then for raising 30*l.* a year for the master of the free school of West Kirby, and 24*l.* a year to buy so many gowns for 24 poor of the parish; the rest to be distributed among the said poor. His executors were George Day, since deceased, Henry Yonge and Ann Warrington, now the wife of Thomas Urmston. He gave the Newton estate to Ann Warrington for life, or 500*l.*, worth 30*l.* a year, with several legacies to others amounting to 700*l.* He also owed Mrs. Warrington 500*l.* by a Decree of 1671. There remains unpaid to Mr. John Warrington, her son, 520*l.*, and to Mr. Yonge 250*l.*, as appears by an order of the

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\* Omission in square bracket.

vestry annexed hereto. Most of the profits have been consumed by lawsuits and interest. Several commissions of pious uses have been sued out to call Yonge to account, but have failed. Petitioners, therefore, pray leave to bring in a Bill to vest the lands in the trustees named in the Act, as the executors are weary of their charge on account of the many vexations they have met with. The trustees are to have power to sell certain property specified in the Act, worth 40*l.* a year, for discharging the residue, worth 65*l.* a year, the profits of which they are to dispose of according to the Will. *Signed* Hen. Yonge, executor, John Warrington, Josiah Yonge, Thomas Urmston, Ann Urmston, by her mark, Josiah Daye, Joseph Rathbone and Thomas Dalby, by his mark, churchwardens. L. J., XVI. 621.

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- (b) 13 March. Order of the inhabitants of West Kirby, at a parish meeting held in the parish church, promising to pay Henry Yonge 250*l.* and John Warrington 520*l.*, found due to them, which they agree to accept; and agreeing that Mr. Williamson's children shall have 40*l.* to reimburse some charges of a lawsuit against Henry Yonge. They promise to promote a Bill in Parliament for raising the money, and to repay John Whiteside 80*l.* which he has promised to lend them; and they appoint Edward Glegge, of Irby, Gent., agent for promoting the Bill. *Signed* by Ric. Wroe, Rector of Kirby, and nineteen other persons. *Dated* 12 Feb. 1699. On the back is an order of a vestry meeting on 2 April 1700 that there be a double leay [levy] collected. *Signed* Will. Walker, Curate, and five other persons. [Appended to preceding.]
- (c) 7 April. Draft of a general saving clause added this day by the Select Committee. Com. Book.

1606. March 19. *Lloyd v. Badger* (In Error).—Copy Writ of Error and Transcript of Record with Tenor of Judgment affixed thereto. L. J., XVI. 627. This case arose on a question of ejectment. John Lloyd, senior, was seised of certain lands and conveyed them by lease and release to the use of himself, with remainder to John, his son, for his life, remainder to Elizabeth, wife of John, for her life, then remainder to trustees for preserving the contingent remainders, remainder to the first, &c., sons of John, the younger, in tail male, remainder to John, the elder, in tail male, remainder to John, the elder, in fee. John, the elder, had issue John, the younger, Thomas, Paul and Peter. John, the elder, made his Will and, reciting the settlement aforesaid, devised the lands after the death of John, the younger, without issue male, to Thomas and after the death of Thomas, without issue male, to Paul and, if Paul should die without issue male and none of his brothers living, then to Peter and his heirs for ever. It was argued that the words, and none of his brothers living, put the remainder in contingency, but Chief Justice Holt and the other Judges decided that it was a vested remainder. The words made no addition to the Will for the remainder could never take effect so long as Thomas or Paul lived. John Badger, the Plaintiff, entered on the lands in question as lessee of John Lloyd, grandson to the above John Lloyd, senior. Thomas Lloyd, the Defendant, claimed the lands as coming to him by the Will of Thomas Lloyd, son of John Lloyd senior, and ejected John Badger. The Plaintiff won his case in the King's Bench and it was affirmed in the Court of Exchequer.



1700-1701. [The Writ of Error was brought in this day, and after several adjournments was heard on 23 May 1701. *Sir Thomas Powys* appears for the Plaintiff. *The Defendant* in the Writ of Error says: Sergeant Pratt is sick and his clerk is here ready to attest. *John Morley* (sworn) says: Sergeant Pratt is very ill and feverish; he came from him at eight o'clock and he was in bed. *Agreed* to pay the cost or hear it by one Counsel. Counsel were called in and told this. They are contented to hear it by one Counsel for Defendant. *Sir Thomas Powys* desires not to be prejudiced to his client to hear but one Counsel when his client has retained two. Counsel withdrew. MS. Min. No entry in L.J.]

On 5 June *Sir Thomas Powys* opens the Cause for the Plaintiffs. *Sir Bartholomew Shore* heard for the Plaintiff. *Mr. Sergeant Pratt* heard for the Defendant, *Mr. Acherley* heard also for the Defendant. *Sir Thomas Powys* and also *Sir Bartholomew Shore* heard in reply. Counsel withdrew. *Ordered* that the Judgment shall be affirmed. MS. Min. L.J., XVI. 723. It was said that in the Courts below the Judges before whom the Cause was heard seem to make bargains in the Courts below. *Mr. Justice Powell* heard: There were several Judges there and *Sir Bartholomew Shore* argued it; we gave him another term. After it was argued, we came to think the Judges [of the] King's Bench had given a good judgment. *Moved* to call in the persons who gave the information to Lord Jeffreys. *Roger Green* (sworn). *Asked* whether he is concerned in interest? *He says* he is an attorney and solicitor in the Cause. *Told* he must give account of what *Mr. Justice Powell* said: When this Cause was argued in Sergeant's Inn, he said, Provided you will not bring a Writ of Error in Parliament, you shall have a new argument. In the Exchequer Chamber Lord Chief Baron was there, *Mr. Justice Powell*, Baron Berry and Tracy were there. He withdrew. *Mr. Baron Berry*: I was present. *Mr. Justice Powell* heard, says he said nothing, but said he asked pardon if he said anything that seemed wrongful. MS. Min.]

1607. March 21. Naval Stores.—Account of what naval stores have been imported by the Muscovy Company between 17 Sept. 1700 and 4 Feb. following. The account gives a list of importers, with the quantities of hemp in one column and tar and tarred ropes in another, imported by each importer, bringing out a total of—

			Tons.	Cwt.	Qrs.	Lbs.
Hemp	-	-	699	2	3	21
Tar, &c.	-	-	14	4	0	0

At the foot of the account there is a note: This year is expected 3,000 barrels of tar and 1,500 tons of hemp, which is improved in goodness and proper for the use of the Navy. *Signed* Fran. Stratford, Edward Haistwell. *Endorsed* Naval stores imported in Anno 1700, from Archangel, in Russia. [Laid before the House, pursuant to Act, and read this day. MS. Min. L. J., XVI. 630.]

1608. March 22. *Thicknesse v. Manwaring*.—Petition and Appeal of Ralph Thicknesse and Elizabeth, his wife. Elizabeth's father Thomas Stockton, bought Nettles farm, in Cheshire, and mortgaged it for 250*l.* to John and Hugh Grosvenor. Then his mother Elizabeth Stockton, to keep it in the family, bought it for 300*l.*, and settled it on Petitioner, her granddaughter. On 12 Feb. 1700 Elizabeth Manwaring, as executrix of her late husband George Manwaring, obtained a Decree in the Court of Exchequer of the County Palatine of Chester, pronounced by Sir Christopher Greenfield, Knt., Vice-Chamberlain of

the County Palatine, for 42*l.* 10*s.* 10*d.* owing to her husband by Thomas Stockton, with 18*l.* costs. Appeal against this Decree, as Stockton left his daughter nothing, and the farm is not liable for his debts. *Signed* by both Petitioners. *Countersigned* R. Acherley, Tho. Maisteron. L. J., XVI. 632. [Dismissed for want of prosecution on 1 May 1702. L. J., XVII. 112.]

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Annexed:—

(a) 29 April. Answer of Elizabeth Manwaring, executrix of George Manwaring, her late husband. The facts are untruly set forth by Appellants. The Decree is just. The Appeal should be dismissed with costs. *Signed* Eliz. Manwaring. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day.

(b) 23 May. Petition of same. Appellants have not entered into recognizance, and their Appeal is for delay. Prays they made be ordered to enter into recognizance, and for a short day for the Hearing. *Signed* by Respondent. L. J., XVI. 700.

1609. March 22. D. Norfolk (Petition for Bill).—Petition of Henry, Duke of Norfolk. Petitioner, having been hindered by many months' sickness and other accidents, will be unable to pay the Lady Mary Mordant 10,000*l.* by 25 March 1701, as required by his Divorce Act, and, if some further time be not allowed for the payment of the same, he will lose great part of the benefit intended him by the Act, he having no power to make a jointure to a wife so long as the jointure mentioned in the Act is in force. Prays leave to bring in a Bill for enlarging the time for paying the 10,000*l.* *Signed* Norfolk, E.M. [Read this day. *Ordered* that the Petition be considered on Monday next. On 24 March, after debate [*Question* put, Whether leave shall be given to bring in a Bill to charge 10,000*l.* for the Lady upon my Lord Duke's estate?].\* The *Question* was put, Whether this debate shall be adjourned to Wednesday next? *Resolved* in the negative. Contents 18, Not Contents 33: Tellers, L. Lawarr, L. North. Then the *Question* was put, Whether leave shall be given to bring in a Bill [to charge 10,000*l.* upon the jointure lands of his late Duchess]\* according to the prayer of his Petition? *Resolved* in the affirmative, and leave given. MS. Min. L. J., XVI. 631, 632. No Bill was brought in.]

1610. March 24. Writ of Summons (E. Coventry).—Writ of Summons to Thomas, E. Coventry. *Dated* 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 632.]

1611. March 24. Prisons (King's Bench and Fleet) Bill.—Papers connected with the Bill for the regulating of the Prisons of the King's Bench and Fleet. [The Bill was brought from the Commons this day. L. J., XVI. 633. Several Petitions for and against were presented. *Ib.* 635, 636, 637, 638. (*See* Papers (a) to (f)). *Ordered* that the Petitioners be heard before the Second Reading. On 29 April 1701 Counsel were called in, for and against the Bill. *Mr. Dobbins* heard against the Bill, for E. Radnor. *Mr. Phipps* also heard for the same. *Mr. Dodd* heard for Mr. Lenthall: He has as much a right to it as any person to his estate, and settlements have been made upon it. This office has answered 2,000*l.* per annum. *Mr. Radford* heard for Moore and Seviar: They have 5,000*l.* dept. [dependent] on the Prison of the Fleet. *Mr. Serjeant Pratt*, for Mr. Clements: We have 5,000*l.* upon the Fleet. *Mr. Serjeant Carlsen* heard for the city of

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\* The words in square brackets have been struck out.



- 1700-1701. London for the Bill. *Mr. Ward* heard against the Bill for the inhabitants of Westminster. The Bill was then read 2<sup>a</sup> and committed to a Select Committee, to whom also was referred a Petition of Elizabeth Leave, read this day. (Paper (g).) MS. Min. L. J., XVI. 664.

On 3 May the House was informed that Elizabeth Leave and her mother were at the door, ready to make good the allegations in their Petition (Paper (g)) relating to the Warden of the Fleet. *Margery Leave* and *Elizabeth Leave* were sworn and the latter said: The allegations are true. They have arrested us and seized my mother and carried her to the Marshalsea. They bid me go to the House of Lords. He said he did not "value the Lords or what they could do for you." He said, Go to the Lords, and let them pay you your money. *Ordered* that Tilly be attached. MS. Min. (See Paper (n)). On 3 May, in the Select Committee, V. Longueville in the Chair, the Bill was read. The title and preamble were postponed. The enacting clauses are read. The *L. C. Justice* says the Bill is grounded on great reason, but the means proposed by the Bill fall short of the end. The Bill supposes country gaolers will be honester than the gaolers in town; but we find frequent complaints of them at the assizes. This Act alters the constitution. By this Act there is a charge on the sheriff which he is not now liable to. As the law now is, he is obliged to keep the prisoner no longer than he can bring the prisoner to the King's Bench or Fleet Prisons. If the sheriff die, the prisoner is in no man's custody till there be a new sheriff. This Bill dissolves the Prisons of King's Bench and Fleet, other than to take prisoners for contempt. Then the four Courts in Westminster Hall have no prisoners or officers, if these Prisons be dissolved. There are many more mischiefs which we cannot foresee. These are obvious. We have proposals, when you please to call for them. Then the said proposals were delivered in and read (Paper (h)). *Ordered* that E. Radnor and the prosecutors of the Bill may have copies of the said proposals. The Judges present say they have prepared clauses on those propositions, which by Monday next (5 May) they can have ready for their Lordships' consideration. Com. Book. On 6 May, L. C. Justice, L. C. Baron, and Mr. Justice Nevill attending, *L. C. Justice* delivers in clauses (Paper (i)) on the proposals delivered in the last day, which were read entire in the presence of the prosecutors of the Bill and such others as thought themselves concerned, none of whom thought fit to say anything against the same. They withdraw. The clauses were begun to be read by paragraphs. The first clause was read. *E. Radnor* offers a Draft of a Bill, which was read in presence of the *Counsel for the prosecutors of the Bill*, who, being asked if he has anything to say against it, says: This Bill will be of no manner of avail to the creditors of persons imprisoned in either of the said Prisons. It has not the shadow of a remedy. He withdraws. Com. Book. On 7 May the first of the clauses brought in yesterday by L. C. Justice is read. *Proposed* and *Agreed* that E. Radnor shall have a clause to save his interest. A Petition of Weedon Ford, Esq., to be heard is read (Paper (k)). *Agreed* to line 9 of Sheet 10. Com. Book. On 8 May the Bill is proceeded in. *L. C. Justice* offers two clauses (Paper (l)) which were read, and the first of them, marked A, to be brought in line 9 of Sheet 10 of the clauses formerly brought in by him; and the second clause, marked B, to come in after the line 1 of Sheet 12. *E. Radnor* offers a clause (Paper (m)) to be added to the Bill, which was read and agreed to be added at the end of the Bill. Then the preamble of the Bill was read and agreed to. Pr. 1, line 17, leave out from the

word, the, to the end of the Bill, and read the clauses, marked + and Q, (Papers (*l*) and (*m*)). *Ordered* the Bill be reported with amendments. Com. Book. 1700-1701.  
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The same day, 8 May, the Bill was reported with amendments and clauses, which were ordered to be engrossed, and on 10 May, on Third Reading, an amendment was made by adding the word, great, before the word, Haseley (Paper (*m*)), and a rider was also added. Then the Bill was referred to the same Select Committee to draw Reasons for the amendments to be offered at a Conference with the Commons. MS. Min. L. J., XVI. 670, 677. On 14 May, in the Select Committee, V. Longueville in the Chair, the Clerk produces a precedent of 10, 12, 17 April 1671, (viz., the Bill of impositions on foreign commodities), where amendments to the said Bill were delivered at a Conference, as also amendments made 6 April 1672 to an Address against Popery were delivered at a Conference. *Ordered* that the Reasons agreed on for the amendments be reported as fit to be delivered to the Commons with the Bill at a Conference. Com. Book. The Reasons were reported the same day. L. J., XVI. 681. *In extenso*. On 15 May the Bill as amended, with the Reasons, was delivered to the Commons at the Conference. L. J., XVI. 685. No further proceedings recorded. The Commons' Engrossed Bill is not among the Records.] The Papers are the following:—

(a) 26 March 1701. Petition of Charles Bodville, Earl of Radnor. The profits of the Marshal of the King's Bench, together with some lands in Oxfordshire, being mortgaged to the late Sir John Cutler, Bart., for a great sum of money, which interest is now devolved upon Petitioner, and Petitioner being advised that the Bill will destroy a great part of his security, he prays to be heard by Counsel at the Bar against the Bill. *Signed* Radnor. *Endorsed* as read this day and leave given. L. J., XVI. 635.

(b) 28 March. Petition of George Moore and Thomas Seviar, Gents. William Lenthall, Esq., mortgaged the office of Marshal of the King's Bench and the manors of Great Hasely and Latchford, Oxon, to Sir John Cutler, which mortgage is by mean assignments vested in E. Radnor, who is in possession, and to whom over 20,000*l.* is due. The equity of redemption was granted by Lenthall to Petitioners as security for 6,500*l.* he owed them, he having no other estate. The Act, 8 & 9 Will. III. c. 27, provides that nothing shall extend to lessen any security of Mr. Lenthall's until the mortgage should be satisfied. The Bill takes away a considerable part of the profits of the Office, so that, together with the mortgaged premises, it will not cover E. Radnor's debt, so that Petitioners will lose the benefit of the equity of redemption and also their debts, to their utter ruin. Pray to be heard by Counsel to the Bill before it pass. *Signed* by both Petitioners. *Endorsed* as read this day and leave given. L. J., XVI. 636.

(c) 31 March. Petition of Mordant Crutcherwood, Richard Leeds, John Prince, Henry Robins, Anthony Crutcherwood, Henry Berrow and others, who have hereunder subscribed their names, all traders within the liberty of Westminster. The Bill will be much for the benefit of trade, and also for the preventing the great and daily abuses practised by the officers of the Prisons. E. Radnor having had leave to be heard by Counsel against the Bill, Petitioners pray to be heard by Counsel for it. *Signed* by the above named Petitioners and many others. *Endorsed* as read this day and leave given. L. J., XVI. 637.

(d) 31 March. Similar Petition of John Deacle and others, all traders within the city of London. *Signed* by John Deacle and many



1700-1701. others. *Endorsed* as read this day and leave given. L. J., XVI. 638.

No. 1611. (e) 31 March. Petition of William Lenthall, Esq. The King's Bench Prison is Petitioner's inheritance and of great value and concernment to him. He is advised that the Bill is very injurious to the said estate. He therefore prays to be heard by Counsel against the Bill before the Second Reading. *Signed* Wm. Lenthall. *Endorsed* as read this day and leave given. L. J., XVI. 638.

(f) 31 March. Petition of John Clements, of the Middle Temple, London, Gent. The Bill absolutely dissolves the Prisons, and entirely takes away all the fees and profits thereof. The office of the Warden of the Fleet Prison, being in mortgage for 2,000*l.* and upwards, to Petitioner and others for whom he is intrusted, he prays to be heard by Counsel against the Bill before the Second Reading. *Signed* John Clements. *Endorsed* as read this day and leave given. L. J., XVI. 638.

(g) 29 April. Petition of Elizabeth Leave, the daughter of Charles Leave, Gent., deceased. One John Pollexfen owed her, on a bond, 200*l.*, her whole fortune. On his refusal to pay, she obtained execution against him seven years since. He removed himself out of the King's Bench into the Fleet, from whence, by continual bribes, he obtained his liberty of John Tilly, Esq., and William Weedon Ford, who now goes for Warden of that Prison. Pollexfen has often upbraided Petitioner, saying that none but fools and beggars continued prisoners, and that for 20 guineas a time he could obtain his liberty, there not being an honest man belonging to the Fleet, of which Petitioner is ready to make affidavit, particularly that he declared he had given Tilly and Ford 130 guineas between them for his liberty. He is well able to pay his debt. Petitioner and her aged mother have often applied to Tilly and Ford to confine him, but without success, and several times Tilly came to the door of the Fleet and derided her, saying, What good has your petitioning done you? Have you got your money by it? Now go to the Parliament, and let them pay you; for I value not what you can do. Her old blind mother has been arrested, by the persuasions of Tilly and Ford, as Pollexfen declares, upon a fob action of 40*l.*, and detained in the Marshalsea a close prisoner on the boards for several days, till discharged by Pollexfen, he having arrested both her and Petitioner in 1696 and dropped the action, whereupon he was non-suited. Prays for enquiry into her case. *Signed* Eliza. Leave. *Endorsed* as read this day and referred to the Committee. L. J., XVI. 664.

(h) 3 May. Proposals delivered in this day to the Select Committee by the L. C. Justice, relating to the regulation of prisons. They are as follows:—

An abstract of the Bill for regulating the Prisons of the King's Bench and Fleet.

[If any person shall be removed by habeas corpus from any prison or place, and shall not procure good bail to answer the plaintiff at whose suit he was arrested, such person shall be remanded back to prison from whence he was removed.]\*

That no conveyance, grant, or assignment of the office of Marshal or Warden of the Fleet, or of any buildings or houses thereunto belonging shall be made either in fee, for life, or any other estate or interest, without consent and approbation of the several Courts whereunto they

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\* The words in square brackets have been struck out.

belong, and by deed enrolled in one of the said Courts; but all grants, conveyances and assignments of the said offices made in any other manner shall be void.

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That no rent or annual sums shall be reserved upon any grant or assignment of either of the said offices, but all covenants or agreements for the payment of any such sum, and all trusts for the benefit of any person, except the Grantee, shall be void.

That, if any action for any escape be brought against the Marshal or Warden, the plaintiff may have a writ of summons or seire facias against the Grantee or he that is seised of the immediate reversion or remainder of the office, to appear in aid or defence of the defendant sued; and, if he appears thereon, he may join in the defence and plead any matter in bar of the action; and, if a nichil be returned on the writ of summons, another writ shall issue returnable some day in Court, and, if a nichil be returned likewise on that writ and the Grantor or Reversioner do not appear but make default, and, if it be returned on the writ that he is seised of the immediate reversion of the said office, and, if judgment be recovered against the Marshal or Warden and a *capias ad satisfaciendum*, *fieri facias* or *elegit* be sued out and no satisfaction made to the plaintiff for the sum recovered, the Court shall award execution against the Grantor or Reversioner either by *capias ad satisfaciendum*, *fi. fa.* or *elegit*.

If any person recover against the Marshal or Warden the sum of \_\_\_\_\_, and execution awarded against the Grantor or Reversioner as aforesaid, and no satisfaction made within \_\_\_\_\_ days, that then the Marshal or Warden, Grantor or Reversioner, being at that day demanded *to come into Court to pay and satisfy the sum recovered*,\* and shall make default or not pay, upon a recording thereof the *whole* inheritance of the office shall be forfeited to the King, who shall be in actual possession thereof without any office or inquisition, and the Court shall issue a writ to the sheriff to seize the said office and deliver the prisoners to the custody of such person as the Court shall appoint, who shall have the custody thereof and be liable to all escapes as Marshal or Warden till a new Grantee shall be admitted and sworn.

That, if any person be removed by *any* habeas corpus, and by the return thereof or by examination it shall appear to the Court or Judge before whom such person shall be brought that such person was first taken and charged in custody by process issuing out of any other Court than from which the writ *of habeas corpus* did issue, such person shall be remanded.

If a person shall be rendered or committed to the King's Bench or Fleet *Prison*, no writ of habeas corpus shall be sued forth for the removing of such person from the Prison of the King's Bench to the Prison of the Fleet, nor from the Fleet to the King's Bench, but upon the return thereof such person shall be remanded.

That, if any person against whom any action is depending in the King's Bench shall be condemned there, and, before execution awarded, shall be in custody of the Warden, the plaintiff in such action may have a writ of habeas corpus *ad satisfaciend.* directed unto the Warden, returnable in Court or before a Judge, who, upon the return thereof, shall remand him and commit him in execution to the Warden of the Fleet.

Also the bail of any such person may have a habeas corpus returnable as aforesaid, and, upon the return thereof, the Court or Judge

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\* Omissions in square brackets, additions in italics.



1700-1701. shall remand him in discharge of his bail; and, if the plaintiff shall elect to have him that is so remanded to be in execution, the Court may commit him in execution, and [award] *upon* a writ *awarded* to the Warden to detain him in execution [and] the Warden shall testify the time of the receipt of the writ, and returning *him* to be in custody shall be from thence adjudged to be in execution. The like for any person who shall be in the custody of the Marshal.

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That no liberty of the Rules of either Prison shall be allowed, but shall totally be discharged, and not accounted or allowed to be any part of the said Prisons; but yet *if* upon application made to the Court in term time, or to a Judge in the vacation, it shall [happen that] *appear* upon examination that, by reason of sickness, straitness of the Prison, or such like cause, it is necessary and expedient to allow any prisoner to be removed out of the said Prison into some house or place near the same, such Court by Rule thereof, or the Judge by order in writing, to be enrolled, may allow the same, and appoint the house where such persons may be kept, provided such prisoner shall not be allowed to keep a wife or family there, nor use any trade except handicraft or bodily labour without a journeyman or apprentice. [Delivered in this day to the Select Committee by L. C. Justice. Com. Book.]

(i.) 6 May. Corrected\* Draft of Clauses as follows:—

*[Whereas the trade of this Nation is chiefly carried on by personal credit, which personal credit has been much lessened and impaired by debtors being removed from gaols belonging to counties, cities, towns and other liberties to the King's Bench and Fleet Prisons, the Marshal of the King's Bench and the Warden of the Fleet daily for lucre permitting the said debtors, committed to their custody, to escape and go at large, to the great loss of their creditors and to the impoverishment of their families, to the destruction of trade and credit, and in contempt of the good and wholesome laws of this Kingdom already made for the preventing such mischiefs, the same being thereby wholly eluded;*

*Be it therefore enacted by, &c.]*† That, from and after the‡ *first day of May in the year of our Lord 1701*, no conveyance, grant or assignment of the office of Marshal of the Marshalsea, being the Prison belonging to the Court of King's Bench, or of any buildings or houses thereunto belonging, shall be made either in fee *simple*, *fee tail* or for life or any other estate or interest therein, without the consent and approbation of the Court of King's Bench first had and by deed enrolled in the said Court, nor any conveyance, grant or assignment of the office of Warden of the Fleet or of any buildings or houses thereunto belonging, shall be made either in fee *simple*, *fee tail* or for life or any other estate or interest therein, without the consent and approbation of the High Court of Chancery, the Court of Common Pleas and the Court of Exchequer, and by deed enrolled in [one of] *all* the said Courts; but all conveyances, grants and assignments of the said offices or either of them *or of the said buildings* made in any other manner shall be void and of none effect.

\* The omissions are shown by square brackets, the additions by italics.

† First added in a different hand, and then struck out.

‡ Noted in margin, in a different hand, It is proposed to be the first day of May 1701.

And also that upon the grant or assignment of either of the said offices no rent or annual sum shall be reserved, but all covenants or agreements for the payment of any such rent or annual sum and all trusts for the benefit of any person, except for the Grantee of the said office, shall and are hereby declared to be void and of none effect.

1700-1701.

No. 1611.

And be it further enacted by the authority aforesaid that, *from and after the 24th day of June which shall be in the year of our Lord 1701*, if any action shall be brought against the Marshal of the King's Bench or Warden of the Fleet for any escape suffered by him that [is officer] *shall be Marshal or Warden* in possession *at the time of the escape*, the plaintiff in such action may have a writ of summons or seire facias directed to the sheriff of the county where the Prison shall be, returnable\* *fifteen days* after the teste thereof, against the Grantor or him that is seised of the immediate reversion or remainder of the said office of Marshal or Warden, to summon him to appear in aid and defence of the defendants sued; and, if such person shall appear, he may join in the defence and plead any matter in bar of the said action; and, if it be returned upon the writ of summons or seire facias that the said Grantor or he that is *or shall be* seised of the immediate remainder or reversion of the said office has nothing whereby he may be summoned and cannot be found in that county, and, if such Grantor or he in the reversion or remainder shall thereupon make default, then another writ of summons or seire facias shall issue forth, returnable in Court† *eight days* after the teste thereof, and, if the same return be made thereon as was made to the first writ and such Grantor or he in the reversion or remainder shall thereupon make default, or, if upon any one writ of summons or seire facias it be returned that the said Grantor or he that shall be seised of the immediate reversion or remainder of the said office was summoned, and, if the person so summoned shall thereupon make default or *shall appear upon any of the said writs*, then, if judgment be given against the defendant sued for such escape and, upon a capias ad satisfaciendum, it be returned that the defendant cannot be found, or, if he be taken by virtue thereof and shall lie in prison by the space of‡ *fourteen days in term time* without making [any] satisfaction to the plaintiff in the action of or for the whole sum recovered, if not a penalty, and, if a penalty, shall not make satisfaction to the plaintiff of principal, interest and charges *to be assessed by the Court*, or, if upon a fieri facias, it be returned that he has not goods to satisfy the whole sum recovered, or, upon an elegit taken out against him, it be returned that he has neither goods nor land sufficient to satisfy the whole sum recovered, in every of these cases the Court shall and may award execution against such Grantor or him in reversion or remainder against whom such writ of summons or seire facias shall be awarded, which may be by capias ad satisfaciendum, fieri facias or elegit.

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\* Noted in margin, It is proposed to be fifteen days.

† Noted in margin, It is proposed to be eight days.

‡ Noted in margin, It is proposed to be fourteen days in term time.



1700-1701.

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No. 1611.

And where any person shall recover against the Marshal or Warden, seised of his office in fee simple or fee tail, the sum of\* *one hundred pounds or more*, or execution shall be awarded against such Grantor or Reversioner or person in remainder, against whom any writ of summons or scire facias as aforesaid shall have issued, and the said Marshal, Warden, Grantor or Reversioner or person in remainder shall not pay and satisfy the plaintiff the sum recovered within† *fourteen days in term time*, that then, if the Marshal or Warden, Grantor, Reversioner or person in remainder at that day, being demanded to come into Court to pay and satisfy the plaintiff the sum recovered, if not a penal sum, and, if a penal sum, the principal, interest and charges to be assessed by the Court, shall make default or not pay, *then*, upon a recording thereof by the Court, the whole estate, interest and inheritance of the said respective offices *and all houses and buildings thereunto belonging* shall be forfeited to the King's Majesty, his heirs and successors, who shall be in the actual possession thereof, without any office or inquisition thereof to be found; and the Court shall immediately issue a writ to the sheriff of the county to seize the said office and prison into the King's hand, and deliver the possession of the prison and buildings thereto belonging and the prisoners of the prison to the custody of such persons as shall *from time to time* be appointed by the Court, who shall have the custody and charge of the prisoners, and be liable to all escapes as a Marshal of the King's Bench or Warden of the Fleet should have been, until he shall have by indenture delivered over the prisoners to such person to whom the King, his heirs and successors, shall grant the inheritance of the said office so forfeited, after such Grantee shall be admitted and sworn in open Court to exercise such office. And upon such seizure of the said office, the Court shall and are hereby impowered to allow in the first place to the plaintiff in the said action [of] *for the escape*, and afterwards to such other person or persons who shall [obtain] *before such seizure awarded, have obtained* judgment against the Marshal or Warden in any action or actions of escape, such sum or sums of money out of the accruing profits of the office as shall and may seem reasonable *for or towards* the satisfaction of his and their debts, respect being had to the charge and trouble of the execution of the said office; and no person to whom the office so forfeited shall be granted by the King, his heirs and successors, shall be admitted to the same until the plaintiff or plaintiffs be paid and satisfied such sum and sums of money as aforesaid.

And be it further enacted by the authority aforesaid that, *if* the Marshal or Warden against whom such recovery shall be had, whereupon an award of execution may be made against the Grantor or him in the reversion or remainder, shall afterwards wilfully suffer any person in execution to escape, upon conviction thereof, he shall *be adjudged a felon and shall suffer as in case of felony*, without benefit of clergy.

And, if any prisoner in custody of the Marshal of the King's Bench or Warden of the Fleet escape out of custody,

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\* Noted in margin, It is proposed to be 50*l*.

† Noted in margin, It is proposed to be fourteen days in Term time.

be it with or without the consent of the Marshal or Warden, then such prisoner so escaping shall forfeit to every person at whose suit he shall be in execution\* *double* the sum recovered with which before the said escape he was charged in execution, *to be recovered by action of debt over and besides the sum for which he was before in execution.* 1700-1701.  
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No. 1611.

And be it further enacted by the authority aforesaid that, from and after the† *said four and twentieth day of June*, if any writ of habeas corpus shall issue forth or be prosecuted out of any of his Majesty's Courts of Record at Westminster, directed to any sheriff, bailiff of any liberty or franchise, keeper of any gaol or any other such like officer for the removing of any person or persons in his, their or any of their custody being, and, by the return thereof or by examination or other due proof, it shall appear to the Court or Judge, before whom such person or persons shall be brought, that such person or persons was or were first taken and charged in custody by process issuing out of any other of the said Courts of Record at Westminster than that Court [than] from which the habeas corpus shall issue, such person or persons so removed shall, upon the return of the said writ of habeas corpus, be by the said Court or Judge remanded to the custody of the sheriff or other officer from whom such person or persons was or were brought [any statute, law, usage, or custom to the contrary in any wise notwithstanding]; except such habeas corpus be to satisfy any judgment that is bonâ fide recovered and had in the Court from whence such habeas corpus shall be awarded [or to answer to any indictment or presentment had or prosecuted for the King's Majesty for any crime or offence, or for defrauding the King of any debt or duty whatsoever] *or to render himself in discharge of his bail entered into before such person was charged with such process or to answer for any contempt.*

And be it further enacted by the authority aforesaid that, from and after the aforesaid *24th day of June*, if any person or persons shall be rendered or committed to the custody of the Marshal of the King's Bench or Warden of the Fleet, either on mesne process in execution or for any other cause whatsoever, no writ of habeas corpus shall be sued forth or prosecuted out of any of his Majesty's Courts of Record at Westminster at the instance of any such person or persons or any other person whatsoever for the removing of the body of such person or persons from the Prison of the King's Bench to the Prison of the Fleet, or from the Prison of the Fleet to the Prison of the King's Bench, unless such writ of habeas corpus shall be to satisfy any plaintiff or plaintiffs for any debt or damages really and bonâ fide recovered against such person or persons, or else to render the body or bodies of such person or persons in the custody of the Marshal of the King's Bench or Warden of the Fleet in discharge of the bail of such person or persons for whom they were bail in any action or suit really and bonâ fide prosecuted and commenced against such person or persons before such time as such person or persons was or were committed to the custody of the said Marshal or Warden of the Fleet *or to answer for any contempt;*

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\* Noted in margin, It is proposed to be double.

† Noted in margin, It is proposed to be the 24th day of June 1701.



1700-1701.

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No. 1611.

but if, upon the return of such habeas corpus or upon examination or other due proof, it shall appear to the Court or Judge, before whom such person or persons shall be brought by virtue of such habeas corpus, that such person or persons is or are removed by virtue of such habeas corpus for any other cause, such person or persons so removed shall be remanded to the Prison from whence such person or persons was or were brought [any statute, law, usage or custom to the contrary in any wise notwithstanding].

*And be it enacted by the authority aforesaid* that, if any person or persons against whom any action or actions shall be depending in the Court of the King's Bench shall be there condemned in debt or damages and before execution [awarded] *had* shall be in the custody of the Warden of the Fleet, the plaintiff that has recovered against him or them shall have a writ of habeas corpus *ad satisfaciendum* directed to the Warden of the Fleet [to satisfy the plaintiff the sum recovered] returnable in the Court of King's Bench in term time or in vacation before one of the Judges of the said Court who, upon the return thereof shall have full power and authority to remand him or them and commit him or them in execution to the Warden of the Fleet and make a record thereof.

And, if any action shall be depending in the Court of King's Bench against any person that is actually in custody of the Warden of the Fleet, the bail may have an habeas corpus, returnable as aforesaid, to render him in discharge of his bail, and, upon the return thereof, the Court of King's Bench or Judge of the said Court shall remand him in discharge of his bail *to the Warden of the Fleet*; and, if the plaintiff shall elect to have him that is so remanded to be in execution after he is so remanded, the Court may commit him or them in execution and, upon a writ awarded to the Warden of the Fleet to detain him or them in execution, returnable in Court of King's Bench, the Warden shall testify the time of the receipt of the said writ and [returning him to be] *the having his body* in his custody, [he] *and such person so in custody* shall be from the time of the delivery of the said writ adjudged and taken to be in execution.\*

And, also, if any person or persons shall be in the *actual* custody of the Marshal of the Marshalsea of the King's Bench, and, during that time he shall be condemned in any action in any other of his Majesty's Courts of Record at Westminster, the plaintiff that has recovered in any other of the said Courts shall have a writ of habeas corpus *ad satisfaciendum* out of the Court where the record of the judgment shall be [returnable in the said Court to satisfy the plaintiff the sum recovered] returnable in the Court where the record of the judgment shall be in term time, or, in vacation, before one of the [Judges or] Justices or Barons of the *Coif* of the said Courts *respectively*, who shall have full power and authority to remand and commit such person or persons in execution to the Marshal of the King's Bench, and make record thereof.

And, if any action shall be depending or a recovery had in any [other] of the said *other* Courts against any person that

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\* Here Clause A (Paper (l)) is inserted and then struck through.

is actually in the custody of the Marshal of the Marshalsea of the Court of King's Bench, the bail of such defendant may have a habeas corpus, returnable as aforesaid, directed to the Marshal of the King's Bench to bring him into Court or before any one of the [Judges or] *Justices or Barons of the Coif* of the said Courts *respectively*, to render him in discharge of his bail; and, upon return, the *said* Court or Judge shall and may remand him to the Marshal of the Marshalsea of the King's Bench in discharge of his bail. And, if the plaintiff shall elect to have him that is so remanded to be in execution, a writ shall be awarded to the Marshal of the Marshalsea of the King's Bench to detain and keep him that was so remanded in execution for the sum recovered, returnable in the Court from whenc the said writ shall issue, and the Marshal shall thereupon testify the receipt of such writ and *the having his body in custody; and such person so in custody shall*, from the time of the delivery of the said writ [shall] be adjudged and taken to be in execution.\*

1700-1701.

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No. 1611.

And, because the liberty of the Rules both in the Marshalsea of the Court of King's Bench and in the Fleet have been very much abused, to the defrauding of creditors, by the giving too much ease and favour to prisoners, which has encouraged them obstinately to refuse either the payment of their debts or compounding with their creditors, be it therefore enacted by the authority aforesaid that, from and after the said four and twentieth day of June, no liberty of the Rules of either of the said Prisons shall be allowed, but shall be totally discharged, and not accounted or allowed to be any part of the said Prisons.

Provided always, and be it enacted that if, upon application to the Court in term time, or, in vacation to any Judge of any of the said Courts to which the Prisons do respectively belong, it shall by examination appear that, by reason of sickness, straitness of the Prison or such like cause, to be necessary and expedient to allow any person *or persons* that is a prisoner in either of the said Prisons to be removed out of the said Prison into some house or place near the same, then such Court by process whereof the prisoner shall be in custody, by Rule thereof, or such Judge by order in writing, to be [enrolled] *entered among the Rules of the said Court*, may allow the same, and appoint the house where such person *or persons* may be kept and remain in custody. Provided that *any* such person shall not be allowed to have any of his family there with him in the said house [of the said Court], except his wife and such other person or persons as shall be specially allowed by the Court or Judge of the said Court, nor shall use any trade excepting handicraft or bodily labour, without the help of any apprentice or journeyman, and also such Rule or allowance may, as occasion serves, by and at the discretion of the Court or Judge, be revoked or altered.

Provided [always] *also* that, if [the King, his heirs or successors, shall prosecute] any person or persons *shall be sued or prosecuted for or in the name or on the behalf of his Majesty his heirs, or successors*, for debt, *duty* or damage or for any

\* Here Clause B (Paper (l) is inserted and then struck through.



1700-1701.

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No. 1611.

fraud or concealment, relating to any part or branch of his Majesty's Revenue, or for any crime upon any indictment or presentment, that such person or persons may be removed by writ of habeas corpus out of any prison where he shall be in custody into the respective prison of the said Court where such prosecution shall be, and shall be there charged and remain in custody at the [King's] suit *and on the behalf of his Majesty together with such other actions and executions wherewith he shall be charged upon the return of the habeas corpus*, anything in this Act to the contrary notwithstanding.\*

*[Provided also and it is hereby declared and enacted that every person and persons, who now is or hereafter shall be interested in or intituled unto the benefit or advantage of any Decree or Decrees already made or hereafter to be made in or by either of his Majesty's Courts of Chancery or Exchequer at Westminster, shall and may have, pursue and take such and the like action, suit or remedy against such person or persons, as shall have the custody or keeping of either of the said Prisons of King's Bench or the Fleet, for the escape of any person or persons that have been or shall be, committed to their respective custodies for not obeying or performing of any such Decree or Decrees as any person or persons by force of this Act or of any former law or statute shall or may have against them or either of them respectively, for the escape of any person or persons out of their custodies respectively who was or were or shall be in execution for any debt or damages at Common Law; and the said Marshal and Warden for the time being and the said offices of Marshal and Warden respectively, and the fees, benefits and advantages thereof, shall be subject and liable for such escapes out of custody upon commitment upon such Decrees in such and the like manner as the same are or may be by virtue of this Act subjected for escapes out of custody in execution for debtor-damages at Common Law, anything herein contained to the contrary notwithstanding.]*

[Delivered this day to the Select Committee by the Judges, who had drawn them on the proposals previously submitted by them (Paper (h)). These clauses, together with the next two papers, and a rider added on Report, and the Commons' preamble, formed the Bill as returned to the Commons. Com. Book 6 May.]

(k) 7 May. Petition of William Weedon Ford, Esq., Warden of the Fleet. He finds that by the proposed amendments he will be under insuperable difficulties in the execution of his office and prays to be heard by Counsel. *Signed* W. Ford. *Endorsed* as read this day.

(l) 8 May. Paper containing the draft of two clauses, marked A and B, as follows:—

(A.) And also the Court of King's Bench may award any writ of habeas corpus to the Warden of the Fleet, returnable in Court, to bring any person in his custody into the said Court to answer there for any contempt committed against the said Court, who shall and may be by the said Court remanded and committed to the Warden of the Fleet, and charged with the said contempt, and afterwards from time to time brought into Court by the Rule and Order of the said Court, to be examined and proceeded upon as the Court shall think convenient, and

\* Here Clause Q (see amended clause, paper (n)) is inserted and then struck out.

being fined by the Court may be remanded and committed by the said Court to the said Warden, there to remain in execution for any fine imposed upon him. 1700-1701.

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No. 1611.

(B.) And also every one of the said Courts may award a writ of habeas corpus to the Marshal of the King's Bench, returnable in Court, to bring any person, in his custody being, into the Court out of which the said writ of habeas corpus shall issue, to answer for any contempt committed against the said Court, who shall and may be by such Court remanded and committed to the Marshal of the King's Bench, charged with the said contempt, and afterwards from time to time brought into such Court, by Rule or Order of the same, to be examined and proceeded upon as the Court to which the contempt was committed shall think convenient and, being fined for the same, may be remanded and committed to the said Marshal in execution for such fine. [These clauses were offered by L. C. Justice to the Select Committee this day and agreed to. Com. Book 8 May. See Notes above.]

(m) 8 May. Amended Draft of Clause Q, as follows:—

Provided nevertheless, and be it enacted by the authority aforesaid, that neither this Act nor anything herein contained shall be of any force, effect or avail as to the Prison of the Court of King's Bench at Westminster, or the office of Marshal of the said Court, until the Right Honourable Charles Bodville, Earl of Radnor, his heirs, executors, administrators and assigns, shall be fully satisfied and paid all sum and sums of money whatsoever which are now due to him either in Law or Equity by virtue of any security made by William Lenthall, Esquire, by or out of *the manors of Haseley and Lachford, in the county of Oxford*, and\* the said office of Marshal of the said Court of King's Bench, or the hereditaments, fees or profits, thereunto belonging, together with the interest, now due and which shall be due, for such sum and sums of money, and all costs and expenses relating to such securities. [Offered this day to the Select Committee by E. Radnor and agreed to be added at the end of the Bill. Com. Book and MS. Min. See Notes above.]

(n) 13 May. Petition of John Tilly, Esq. [In answer to Mrs. Leave's Petition (Paper (g))]. Petitioner is under the greatest concern in falling under the displeasure of the House. Elizabeth Leave herself desired that Pollexfen might be liberated to solicit his affairs, the better to enable him to pay her, though she swore to the contrary at a trial at the King's Bench, when her evidence was disproved to the satisfaction of the jury. She had often threatened to injure Petitioner, and lately complained to this House of his having used contemptuous words against Parliament and this House, for which contempt he is now in custody of the Serjeant at Arms. He never spoke or thought undutifully of Parliament or this House. Prays to be discharged from his contempt. Signed J. Tilly. [Endorsed as read this day and rejected. MS. Min. No entry in L. J.]

1612. March 26. *Luke v. Bickerstaffe*.—Sir Charles Bickerstaffe demised the higher and lower Culverdens, in the parishes of Tonbridge and Spelhurst [Speldhurst], Kent, to Sir John Marsham, to secure the payment of 250*l*. Sir John and his son also advanced an additional 1,100*l*. on the property. Shem Bridges, one of the Six Clerks in the Court of Chancery, paid off this 1,100*l*., had the premises assigned to him and joined in selling 19 acres, receiving 100*l*. principal, and the whole of the arrears of interest. No further

\* The words in italics are interlined in the Clerk's hand.



1701. interest was paid. Bridges, therefore, exhibited his Bill in Chancery against Sir C. Bickerstaffe to foreclose. He obtained a Decree. The sum of 1,243*l.* 13*s.* 6*d.* was due to him for principal, interest and costs. Subsequently the premises were ordered to be sold and were sold to Mr. Hungerford for 600*l.* By having Sir Charles arrested, Bridges caused him to pay 600*l.*

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No. 1612.

In the year 1692 Appellant had 1,000*l.* to invest. Thomas Christie, her brother-in-law, undertook to lend out this sum for her on good security, but instead of doing so he lent it on a transfer of the above-mentioned mortgage. Appellant found this investment unsatisfactory and spoke to Christie, who promised to make her satisfaction but did not do so. After his death and the insolvency of Bickerstaffe, the Appellant was in danger of losing her money. She, therefore, brought a Bill in Chancery against Respondents to get 1,000*l.*, which she had invested, and interest. The Lord Keeper, however, although he declared that neither Bridges nor Christie had done well in the matter, did not think there was sufficient proof for a Decree against them and dismissed Appellant's Bill. Appeals against this dismissal. *Signed* by Appellant. *Countersigned* Sa. Black, Richard Buckby. L. J., XVI. 635. [The Cause was heard on 7 May. *Mr. Serjt. Pratt*, for the Appellant : Mr. Christie knew this security to be defective, and received 1,000*l.*, though he has sworn he received but 700*l.* This money was in Mr. Christie's hands only [as] a friend, and if he disposed of it without our order he ought to be responsible to us for it. *Mr. Dobyus* heard also for the Appellant. *Sir Jo. Jekyll*, for Mr. Christie : This gentleman came fairly into this matter. My client never knew of any judgment of recognizance of Sir Charles Bickerstaffe. We apprehended it to be a good security for our money. *Sir Thomas Powys*, for Mr. Bridges only : Mr. Bridges never sees the persons that lend the money or come after him. He swears he knew not the persons in his Answer. *Mr. Serjt. Selby*, for the executors, &c., of Mr. Christie : They have said nothing to us against them. Mrs. Luke accepted the security. A statute of forty years since is presumed in law to be satisfied if no proceeding has been upon it. Appeal dismissed. MS. Min. L. J., XVI. 669-670.]

Annexed:—

(a) 11 April. Answer of Samuel Christie, James Tooth, Henry Southouse, William Ifaldoe and John Ifaldoe. The Respondents have heard that the Appellant desired and prevailed upon Christie to lend out the 1,000*l.*; that she approved of the investment; that she has 1,500*l.* in addition to the 1,000*l.*, and that 1,000*l.* was due upon the security to Mr. Bridges when it was transferred to her. They do not believe that Christie did Appellant any injury. They deny that the Lord Keeper said that Christie had not done well. They also deny that Christie died worth 20,000*l.*, and say that, if the Appellant's demand had to be paid by Respondents, they would be losers by the Will. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* James Selby. *Endorsed* as brought in this day.

(b) 11 April. Answer of Shem Bridges, Esq. Respondent paid 1,100*l.* to Bickerstaffe for the assignment and was to have interest at six per cent. Mr. Hungerford was not certified to be the best purchaser when the estate was sold, but Respondent had about the same time offered Bickerstaffe 1,200*l.* for it and the offer had been refused. There was no ill practice between

Respondent and Christie. Prays that Petition be dismissed with costs. *Signed* by Respondent. *Countersigned* Hen. Penton. *Endorsed* as brought in this day.

1701.

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No. 1612.

1613. March 29. Naturalization (Adrian Loffland &c.) Act.—Draft of an Act for naturalizing Adrian Loffland and others. The persons included in the Draft, which was not amended by the Lords, end with Thomas Johnson. Com. Book 7 April. The rest of the persons mentioned in the Act were added by the Commons. C. J., XIII. 558. The name of Pyniot [Pynioll] was not added to this Bill, as stated in L. J., XVI. 640, but to a later Bill (*See* No. 1616). [Read 1<sup>a</sup> this day. Royal Assent 12 June. L. J., XVI. 637, 739. 13 Will. III. c. 40 in Long Cal.]

Annexed—

(a) 26 March. Petition of Adrian Loffland, Cornelius Vandeput, *signs* Van de Putt, and Peter Schrieber, merchants. They are considerable merchants and traders, and have resided here for several years with their families. They are Protestants and have given good testimony of their loyalty and fidelity to the King and Kingdom. Pray leave to bring in a Bill for their naturalization. *Signed* by the Petitioners. L. J., XVI. 635. [Petitioners are included in the Draft Bill. They produced before the Select Committee, on 7 April, Certificates, proved by witnesses, of their having received the Sacrament. Com. Book.]

(b) 7 April. Certificate that the three persons mentioned in the preceding Petition, described as Gentlemen, received the Sacrament according to the usage of the Church of England, on 23 March, at the Parish Church of St. Peter's, Cornhill. *Dated* eod die. *Signed* Will. Beveridge [D.D.], Minister of the Parish and Parish Church of St. Peter's, Cornhill, Ralph Palmer, Churchwarden. *Attested* by Robert Calcott, of St. Andrew's Wardrop, in London, and John Gentrey, of St. Peter's, Cornhill. [Produced before the Select Committee this day, and proved by Calcott and Gentrey. Com. Book.]

(c) 7 April. Certificate that Thomas Johnson, of St. Andrew's, Holborn, Gentleman, on 30 March, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. Lawrence Jewry. *Dated* 1 April. *Signed* Samuel Harris, Clerk, officiating for the Minister of the Parish, Jonath. Kendall, Churchwarden. *Attested* John Young, Will. Frost. The usual affidavit is cut off. [Produced before the Select Committee this day and proved by Young and Frost. Com. Book. Johnson was the other person originally included in the Draft Bill.]

(d) 24 May. Certificate, similar to (b), for Justus Beck. *Dated* 20 April. Rest as in (b). [Added by the Commons to the Bill, which they returned this day. L. J., XVI. 706.]

(e) 24 May. Certificate that Mr. John Henry Ver Poorten, from Hamburg, is a true member of the High German Protestant Church in London, and received the Lord's Supper there, according to the constitution and usage of the Protestant Church, on 27 April. *Dated* 1 May. *Signed* John Esdras Edzard, Minister. *Witnessed* Philip Schlagman, Lewes Crumsey. [Added to the Bill by the Commons.]

(f) 24 May. Certificate that Thomas Bureau, of the Parish of St. Mary Bothaw, annexed to St. Swithun's in the city of



1701.

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No. 1613.

London, on 6 April, received the Sacrament according to the usage of the Church of England, in St. Swithun's Church. *Dated* 7 April. *Signed* William Hodges, Minister, Godfrey Watkinson, Churchwarden. *Attested* by Claudius Fonnereau, of St. Mary's Bothaw, London, and Timothy Simms, of St. Swithun's Parish. [Added by the Commons to the Bill.]

(g) 24 May. Certificate that Dirck Wittenoom, on 6 April, received the Sacrament according to the usage of the Church of England, in St. Leonard's Church, Shoreditch. *Dated* 7 April. *Signed* John Wickes, Minister, William Wood, Churchwarden. *Attested* by Samuel Bourne and Richard Winington. [Added by the Commons to the Bill.]

(h) 24 May. Certificate that Mr. John Mahlstedt, on 4 May, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. Martin's-in-the-Fields, Westminster. *Dated* eod. die. *Signed* Tho. Yates, Minister, Will. Howard, Churchwarden. *Attested* by Nathaniel Hill and Robert Hill. [Added by the Commons to the Bill.]

(i) 24 May. Certificate that Nicholas Garrett, on 20 April, received the Sacrament according to the usage of the Church of England, in the Royal Church of the Savoy. *Dated* eod. die. *Signed* J. Dubourdieu, Minister, John Deffray, D. Pringle, Churchwardens. *Attested* by Paul Margaret and Saml. Beckett. [Added by the Commons to the Bill.]

1614. April 1. Grosvenor v. Coy.—Petition of John Grosvenor, Esq. Petitioner paid 300*l.* for the clothes and accoutrements of 36 troopers and one trumpeter, who served in England and Ireland under the Respondent John Coy. The latter stopped 6*d.* a day as off-reckonings from the men's pay, with which he ought to have paid Appellant for the clothes; but did not do so, nor did he make the men any allowance. After a hearing before the Master of the Rolls in June 1699, when it appeared that Respondent had received the full off-reckonings of a whole regiment to March 1692, Appellant obtained a Decree for 320*l.*, but, on Appeal, the Lord Keeper, having taken the opinion of some general officers of the army as to the custom with regard to off-reckonings, reversed the Decree on 18th March last, but told Petitioner he had a compassionate case. Appeals against this reversal, as no weight ought to have been attached to the opinion of generals who might have been partial, and who had not heard the evidence. *Signed* John Grosvenor. *Countersigned* E. Jennings, J. Browne. L. J., XVI. 639. [This Appeal was in part heard on 22 May, when *Sir Thomas Powys* opened for the Appellant: Col. Coy received 6*d.* per diem for these clothes, and Grosvenor is in the case of the clothiers or tradesmen. Col. Coy is to get this money for nothing. The men get nothing by it. These clothes served in Ireland two years. *Mr. Browne*, for the same: The 6*d.* per diem is set apart for the clothier. *Mr. Solicitor*, for Col. Coy: The regiment was clothed when these men came in. *Mr. Pooley*, for the same: We hope there is no reason nor equity in this case. Several depositions read on either side. The House then went into debate of this matter. *Ordered* that the further debate of this matter shall be adjourned to Wednesday next. On 5 June the House went into consideration of the Judgment to be given in this cause. After debate, *On Question*, Whether the Decree should be reversed? *Resolved* in the negative. Contents 10, Not Contents 18: Tellers, L. Mohun, L. Dartmouth. Then the Appeal was dismissed. MS. Min. L.J., XVI. 698, 723.]

Annexed—

1701.

No. 1614.

(a) 8 April. Answer of John Coy, Esq. Appellant received 1,000*l.* from King James to raise a troop of 50 men, but only raised 36, who were most meanly appointed, none of the horses being worth more than 10*l.* They formed part of the regiment of the Marquis de Meremont, which was disbanded on 3 Jan. 1688, when Appellant's troop was, by E. Marlborough's orders, transferred to Respondent's regiment. Appellant first brought a bill against the Marquis and his agent Monsieur de la Foree, as well as against Respondent. The Marquis had received all the off-reekonings up to the disbandment. His troop had been ordered new clothes on joining Respondent's regiment, but served in their old ones for six months longer, on the strength of which, the claim was made against Respondent. This claim was unjust. The Master in Chancery, who stated the account, certifying that the off-reekonings during those six months should go to pay for the new clothes. It is untrue that Respondent made no allowance to the men. Prays that the Appeal may be dismissed with costs. *Signed* John Coy. *Countersigned* Jo. Hawles. *Endorsed* as brought in this day.

1615. April 1. Impeachment of Ministers.—Order of the Commons that Sir John Leveson Gower impeach William, Earl of Portland, at the Bar of the Lords and acquaint them that the Commons will in due time exhibit particular Articles against him. *Marked* (1) C. J., XIII. 465. *In extenso*. L.J., XVI. 641. [The Proceedings on these Impeachments are given at great length in the printed Journals, but may be supplemented as follows from the MS. Min. and Com. Book:—On this Order being brought up in a Message from the Commons this day, a Select Committee was appointed to consider of the methods of Impeachments for misdemeanours. MS. Min. L.J., XVI. 641. On 2 April this Committee met and ordered the Clerk to bring over to-morrow such Books wherein Impeachments have been brought from the House of Commons for misdemeanours, that the Committee may peruse the proceedings thereon. Com. Book. No further meeting is recorded, nor any Report from this Committee.

On 16 April *Moved* that an Address be presented to the King to pass no censure or punishment on the impeached Lords pending their Impeachments in this House. A Committee was appointed to draw the Address. After debate, *On Question*, That a Committee be immediately appointed to draw an Address to his Majesty, that his Majesty will be pleased not to pass any censure or punishment against the four noble lords who stand impeached of high treason and misdemeanours until the Impeachments depending against them in this House shall be tried. *Resolved* in the affirmative. Contents 49, Not Contents 27 or 29: Tellers, E. Rivers, E. Abingdon. Leave to dissent was given, and a Protest which was afterwards expunged was signed by twenty-four Peers.\*

The Select Committee was appointed to draw up the Address, which was reported the same day. L. J., XVI. 655. *In extenso*. Then, exception being taken [at some parts in]† to the Protestation [just] now entered, the Protestation was read. After debate, *On Question*,

\* This Protest was entered in the MS. Journal, but was afterwards carefully obliterated. It has been deciphered. See *Protests of the Lords*, edited by James Thorold Rogers, Vol. 1, pp. 150–151.

† Words in italics substituted those in square brackets.



1701. Whether the first Reason in the Protestation shall stand? Contents 22, Not Contents 28: Tellers, L. Ferrers, L. Guilford. *Resolved* in the negative. *On Question* the second Reason was expunged without a division. L. J., XVI. 654-5. MS. Min. 16 Ap. The proceedings of the Select Committee are not recorded. On 17 April E. Romney reported that he had presented the Address. *Moved* to consider whether formerly, upon an Address to the King there has been no answer returned, and a Select Committee was appointed for that purpose. MS. Min. L. J., XVI. 657. The proceedings of the Committee are not recorded.

On 5 May *Moved* on the behalf of the four Lords impeached that the Commons be put in mind of the Impeachments, and that they send up the Articles against them. The precedent 1st May 1695 read, E. Danby's case. Then a Select Committee was appointed to draw the Message to be sent to the Commons. The Message was reported the same day. MS. Min. L. J., XVI. 668. *In extenso*.

On 9 May the Articles of Impeachment against Edward, Earl of Orford, were brought from the Commons, with a demand that he should give sufficient security to abide the Judgment of the House of Lords. The Articles were read by the Clerk. L. J., XVI. 672-673. *In extenso*. Then a Select Committee was appointed to inspect the Journals as to the manner of delivering the Articles and the demand for security, and, after an adjournment to go to the Committee, the House was resumed. E. Stamford reported that they did not find any mention of the Commons reading the Articles at the Bar nor of giving security, *but in the Bishop of E[ly]'s case, and that upon hearing he was going out of the Kingdom; and the merchants; and the merchants was because they might move their effects.\** Articles read by the Clerk. E. Orford says he shall stand on his own innocency in the Lords' Judgment; I pray for a Judgment before this House. I humbly beg a copy of the Articles, and as short a time as you think fit to answer. He proposed Tuesday next (the 13th). *Ordered* that E. Orford have a copy of the Articles against him. *Proposed* to acquaint the Commons that, as to E. Orford's giving security, they find none, but in Bishop [of] Ely's case and Merchants' [ease], [in the] one hearing the Bishop was going out of the Kingdom; [in the] other because the merchants may remove their effects. Message sent to the Commons to acquaint them that, upon search in the Journals of this House, they do not find any precedent of security given to abide the Judgment of this House by any Peer upon an Impeachment for high crimes and misdemeanours. *Ordered* that the Committee named this day meet again to-morrow. 11 May 1626 read.† MS. Min. L. J., XVI. 672-4.

On 14 May E. Orford delivered his Answer to the Articles of Impeachment, which was read by the Clerk. L. J., XVI. 681-683. *In extenso*. E. Orford desires this Answer may be sent to the Commons, and also desires the House to appoint a short day for the trial and that he may have Counsel. He names Mr. Dodd and Mr. Pooley. *Agreed to*. *Ordered* that the Committee [of] Impeachments do meet presently. . . . House adjourned to go to this Committee. After some time, House resumed, and E. Stamford reported that the first step was to send a copy of the Answer to the House of Commons. *Ordered*

\* These words in italics are underlined. The cases here referred to are Bp. Ely's in 1640, and the merchants, viz., Goudet and others and Auriol (Oriol) and Dumaistre in 1698. See Annex (d) below.

† See Annex (e).

accordingly. [*Moved* to put the Commons in mind of the Articles against the other Lords impeached.]\* MS. Min. L. J., XVI. 681-4.

On 15 May Messages were sent to the Commons with E. Orford's Answer and to remind them that no Articles had been exhibited against the other Lords. L. J., XVI. 685. On 19 May Articles of Impeachment against John, Lord Soñers, were brought up from the Commons, with the same demand for security. The Articles were read by the Clerk. L. J., XVI. 689-694. *In extenso*. L. Soñers desires a copy of the Articles, and he will answer so soon as possible. *Ordered* accordingly.

On 20 May E. Orford moved for a day for his trial, and, on report of precedents by the Committee, the Lords sent a Message to the Commons that, finding no issue joined by Repliation of the House of Commons, the Lords think fit to give them notice thereof; and, *On Motion*, a second Message was sent reminding them that no Articles had yet been exhibited against E. Portland and L. Halifax. This Message was repeated on 30 May. L. J., XVI. 696, 712. On 24 May L. Soñers delivered his Answer, which was read by the Clerk. He desired a copy might be sent to the Commons. *Ordered* accordingly. MS. Min. L. J., XVI. 700-5. *In extenso*. On 30 May, on E. Orford's motion, Monday June 9 was appointed for his trial, notices were sent to the Commons and also to the King, with a request that a place might be prepared in Westminster Hall. MS. Min. L. J., XVI. 712. On 31 May the Commons sent up a Message to the effect that they had prepared a Replication to E. Orford's Answer, but think it most proper to defer bringing it up, and to begin with L. Soñers' trial; and that the Message calling for Articles in the other Impeachments is a breach of the good understanding between the two Houses. L. J., XVI. 714. *In extenso*. Upon this the Committee of Impeachments was ordered to meet and prepare an Answer to the Commons' Message. *Ib.* 715. On 2 June the Committee met and on the same day reported some precedents of Impeachments, which are set out in the Journal. Com. Book. L. J., XVI. 716. The Committee were ordered to meet presently and prepare an Answer to the Commons' Message of 31 May. The Committee accordingly met and drew up an Answer which was reported the same day, and is set out in the Journal. The debate on this Report was adjourned to the following day. Com. Book. L. J., XVI. 717. On 3 June the debate was resumed. The Answer prepared by the Committee was agreed to with an amendment, and an addition prepared this day by the Committee, both of which are set out in the Journal. The second paragraph was agreed to on a division. Contents 43, Not Contents 27: Tellers, E. Rivers, E. Marlborough. Protests were entered against the second and third paragraphs.† MS. Min. Com. Book. L. J., XVI. 718-9. On 5 June a Message was brought from the Commons, repeating their objections. It was referred to the Committee, which was ordered to meet the following day. It appears to have met the same day, when the Report of the Conference concerning L. Mordaunt, of 4 Feb. 1666-7, was read, wherein the Lords take notice that the Commons conceive that precedents amount to a positive rule, and yet quote but one precedent, viz., E. Middlesex's case. Com. Book. L. J., XVI. 723. On 6 June a Message from the Commons was brought desiring a

1701.

No. 1615.

\* These words are expunged.

† See Protests of the Lords, edited by James Thorold Rogers, Vol. 1, pp. 152-154.



1701. Conference. This was agreed to, after debate, on a proposal to answer that the House would send an Answer by messengers of their own.
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- No. 1615. The Conference was had the same day, and the Lord Steward reported that the Commons, through Mr. Harecourt, had proposed a Joint Committee. This Report was referred to the Committee, who met the next day and considered precedents, which were reported that day and are set out in the Journal. *Moved* that the Committee be ordered to prepare an Answer to the Commons' Message of 5 June. L. Steward and E. Burlington were added to the Committee, the House adjourned and the Lords went to the Committee. House resumed. *Ordered* that the Committee do meet immediately and report on Monday next. Com. Book. MS. Min. L. J., XVI. 724-5, 726-7. On 10 June *Moved* to send a Message to the Commons to desire that they will give order that such of their members as the Lord Soñers shall have occasion to make use of at the trial may have leave to give evidence there for the Lord Soñers. *Ordered* that Sir Christopher Wren attend this House immediately. [*Moved* to let the Commons know the Lords intend to try the Earl of Orford. *Ordered* that the E. Orford shall be tried on Tuesday next. A Message was sent to the House of Commons to let them know the Lords have appointed Tuesday next for the trial of Edward, E. of Orford, upon the Articles of Impeachment against him]\* . . . Sir Christopher Wren was called in. *Asked* in what forwardness the scaffolds in Westminster Hall are, and whether they will be ready against Friday next? *He says* they will be ready against to-morrow morning. MS. Min. On 12 June the Message from the Commons received yesterday was read. After debate, *Ordered* that the L. Soñers's trial shall be [peremptorily]† on Tuesday next. MS. Min. On 13 June the L. Steward reported from the Free Conference with the Commons that Mr. Harecourt began the Free Conference on the Commons' part; and Sir Barthol. Shore, in what he said, did say that men owning themselves guilty of the same fact should vote at each other's trial, when arraigned for the same fact, would be abhorrent to justice. After debate of what has been offered at the Conference by the Lords as well as the Commons, a Message was sent to the House of Commons to ask the Commons to come again presently to the Conference. MS. Min. L. J., XVI. 742. On 14 June, after the Vote to insist on the Lords' refusal to have a Joint Committee, [*Proposed* to send a Message to the House of Commons to acquaint them that this House insist upon their former Resolution of the 10th instant to insist not to allow of a Committee of both Houses.]\* MS. Min. On 16 June, at the Select Committee on the methods of Impeachments, the method used at the trial of V. Stafford on 26 Nov. 1680 was read, and it was agreed to report as reported by E. Marshal. L. J., XVI. 748-9. *In extenso*. It was also agreed to communicate the notes and rules to the Commons, which immediately follow in the Lords' Journal; the clause, "The Members of the Commons to be set first, before the Peers come," was ordered to be reported specially. Com. Book. After the Orders for tickets for Peers and for the attendance of the Guards, *Moved* to consider what place the E. Marshal shall take. The Statute 31 Hen. VIII. [read]. *Proposed* to hear the Judges in this ease. *Ordered* that all the Judges attend this House to-morrow and that

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\* The words in square brackets are erased.

† Interlined and expunged.

any Lords may have Counsel who think themselves prejudiced, and the E. Marshal also, and that a copy of E. Marshal's Patent be delivered to the Lords. MS. Min.

1701.

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No. 1615.

On 17 June *Moved* that the E. Carlisle do produce the E. Marshal's Patent and his own now for E. Marshal. [*Ordered* that the E. Carlisle be allowed his precedency with a *salvo jure* to his Majesty or any other Lords who shall think themselves concerned.]\* Counsel was called in for the E. Marshal and other Lords concerned in his precedency in this House. *Mr. Serjeant Pratt*, for several noble Lords who think themselves concerned in a Patent granted to the E. of Carlisle as E. Marshal: We ought to see the Patents in this case. Counsel withdrew. *Proposed* that E. Carlisle shall take place this day as E. Marshal with a *salvo jure cujuscunque*, and on Thursday next the right of precedency claimed by him shall be determined. *On Question. Resolved* in the affirmative. *Ordered* that a copy of D. Norfolk's Patent of E. Marshal be sent to the Judges and the Counsel. . . . *On Question*, Whether this House shall [adjourn] *go some time this day†* into the Court in Westminster Hall for L. Somers's trial? *Resolved* in the affirmative. Contents 57, Not Contents 36: Tellers, E. Abingdon, E. Rivers. . . . A Message was sent to the House of Commons by Mr. Baron Traey and Baron Berry to acquaint them that the Lords [have resolved to adjourn presently into Westminster Hall in order to the trial of John, Lord Somers, and that the other Lords who have Articles against them have desired leave to withdraw] *intend presently to proceed to the trial of John, Lord Somers, in Westminster Hall†* . . . . After E. Anglesey was excused from attendance, the House adjourned to robe. House resumed, and called over by the Clerk, and then adjourned to Westminster Hall and was there resumed. A marginal note, after the reading of the Articles, states that Lord Somers sat in a chair within the Bar, uncovered. . . . *Moved* to acquit the Lord Somers. After long debate, *Proposed* to ask the Judges this question, Whether the Judges in the Courts below can proceed to judgment before issue joined? Then the question was asked the Judges. *L. C. Justice*: There is a matter of fact, and this must be tried. Of this the jury are judges. There is another way by matters of law, and there the Judges judge. *All* [the Judges] of this opinion. Then this question was put to the Judges: If a person be indicted of felony, treason or misdemeanour, then he pleads, Not guilty; and, if no evidence comes, then we impanel the Jury; and then, if no evidence, we order the Jury to acquit him, except they know him guilty in themselves. *L. C. Justice* desired to explain what is confessing and avoiding, and he is heard to this: If he confesses and makes a good plea, he avoids. What a man confesses, he avoids. *Q.* If a man be indicted of a trespass, as taking the term of a man's ground, but then owns he took it [by] right of titles? *A.* This is confessing and avoiding, and agreed so to be by the Judges. A *Question* was proposed, viz.:—That there being no evidence given for the maintaining Articles of Impeachment brought against John, Lord Somers, at his trial, it is the opinion of this House that he be acquitted of the said Impeachment, and that the said Impeachment be dismissed. Then the *Question* was proposed, as in L. J., with leave to protest. Then this *Question* was put, Whether the *Question* now read is the *Question* that shall be put below? *Resolved* in the affirmative. Contents 55, Not Contents 33: Tellers, E. Rivers, E. Abingdon. The House then adjourned to Westminster

\* Expunged entry.

† Words in italics substituted for those in square brackets,



1701.  
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No. 1615.

Hall and the vote was there taken on the *Question*, Whether L. Somers should be acquitted? The vote, which is given at length in MS. Min., was as follows:—

Contents 56, viz.:—

L. Haversham.	Bp. St. Asaph.	E. Bath.
L. Herbert.	Bp. Bristol.	E. Essex.
L. Ossulston.	Bp. Gloucester.	E. Kingston.
L. Osborne.	Bp. Peterborough.	E. Stamford.
L. Cornwallis.	Bp. Norwich.	E. Rivers.
L. Granville.	Bp. Coventry.	E. Dorset.
L. Berkeley.	Bp. Ely.	E. Suffolk.
L. Rockingham.	Bp. Bangor.	E. Huntingdon.
L. Lucas.	Bp. Sarum.	Earl Marshal
L. Culpeper.	V. Say and Sele.	(E. Carlisle).
L. Byron.	E. Rochford.	D. Newcastle.
L. Mohun.	E. Romney.	D. Schonberg.
L. Lovelace.	E. Scarbrough.	D. Bolton.
L. North & Grey.	E. Montagu.	D. St. Albans.
L. Wharton.	E. Portland.	L. Steward
L. Eure.	E. Berkeley.	(D. Devonshire).
L. Fitzwalter.	E. Radnor.	L. Privy Seal
L. Bergavenny.	E. Macclesfield.	(E. Tankerville).
Bp. Chichester.	E. Shaftesbury.	Abp. Canterbury.
Bp. Lincoln.	E. Burlington.	

Not Contents 32, viz.:—

L. Jeffreys.	Bp. London.	E. Peterborough.
L. Godolphin.	V. Weymouth.	E. Denbigh.
L. Guilford.	E. Warrington.	E. Derby.
L. Dartmouth.	E. Marlborough.	E. Oxford.
L. Lexington.	E. Plymouth.	L. Chamberlain (E.
L. Jermyn.	E. Abingdon.	Jersey).
L. Howard of	E. Rochester.	L. Great Chamberlain
Eterick.	E. Nottingham.	(E. Lindsey).
L. Hunsdon.	E. Feversham.	M. Normanby.
L. La Warr.	E. Scarsdale.	D. Northumberland.
Bp. Exeter.	E. Thanet.	D. Somerset.
Bp. Rochester.	E. Carnarvon.	

The rest as in L. J.

On 23 June the Lords present, who voted unanimously for the acquittal of E. Orford, are given in MS. Min., as follows:—

L. Haversham.	Bp. Chichester.	E. Shaftesbury.
L. Herbert.	Bp. Peterborough.	E. Burlington.
L. Ossulston.	Bp. Lincoln.	E. Essex.
L. Cornwallis.	Bp. Norwich.	E. Kingston.
L. Berkeley.	Bp. Macclesfield.	E. Stamford.
L. Rockingham.	Bp. Ely.	E. Rivers.
L. Lucas.	Bp. Sarum.	E. Huntingdon.
L. Culpeper.	V. Say and Sele.	Earl Marshal (E.
L. Mohun.	E. Rochford.	Carlisle).
L. Lovelace.	E. Scarbrough.	D. Newcastle.
L. North and Grey.	E. Montagu.	D. Schonberg.
L. Wharton.	E. Portland.	D. Bolton.
L. Eure.	E. Berkeley.	L. Steward (D.
L. Fitzwalter.	E. Radnor.	Devonshire).
L. Abergavenny.	E. Macclesfield.	Abp. Canterbury.

The \*Resolution as to absent Lords was at first drafted as follows:—  
That the Peers now in town who have, (without any just excuse), absented themselves from appearing at the trial of Edward, E. of Orford, and at the adjourned debate of this day relating to the Judicature and Honour of this House, are guilty of a great and wilful neglect of their duty, highly reflecting on the proceedings of this House. MS. Min.

1701.

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No. 1615.

Annexed:—

- (a) 15 April. Impeachment of L. Soñers as follows:—I do, in the name of the House of Commons and all the Commons of England impeach John, Lord Soñers, of high crimes and misdemeanours, and do acquaint your Lordships that the Commons will in due time exhibit particular articles against the said Lord and make good the same. *Marked* (2). Brought this day from the Commons by Mr. Harcourt and others. L. J., XVI. 653.
- (b) 15 April. Similar Impeachment of Edward, E. Orford. *Noted* at the top. By Order of the Commons. *Marked* (3). Brought this day from the Commons by Col. Bicerly and others. L. J., XVI. 653.
- (c) 15 April. Similar Impeachment of Charles, L. Halifax. *Noted* as preceding. *Marked* (4). Brought this day from the Commons by Mr. Bruges and others. L. J., XVI. 653.
- (d) 9 May. Paper of precedents of Impeachments containing references to entries in Lords' Journals in the following cases:—

Bishop [of] Ely, 19 Dec. 1640 to 20 July 1641.

E. Bridgewater, 30 Aug. to 27 Oct. 1641. (*Noted* no further proceeding).

William Drake, 6 to 19 Dec. 1660.

V. Mordaunt, 29 Dec. 1666 to 8 Feb. 1666-7.

Sir Wm. Penn, 24 to 29 April 1668.

Edward Seymour, 21 Dec. 1680 to 8 Jan. 1680-1.

D. Leeds, 27 Ap. to 3 May 1695.

Goudet et al., 10 May to 4 July 1698.

Auriol [Oriol] and Dumastre [Dumaistre], 28 May to 30 June 1698.

[The first and the last two of these precedents were reported this day from the Select Committee on Impeachments as exceptional cases where bail had been required. *See* Notes above, and L. J., XVI. 672-4. *See* *Ib.* 716, where the rest of these cases are referred to; *Ib.* 696, where the cases of Seymour and D. Leeds, and *Ib.* 727 where those of E. Bridgewater, (with a further proceeding on 2 Nov.), and Seymour are reported].

- (e) 9 May. Similar paper giving the cases of D. Buckingham, 11 and 16 May 1626, and of E. Danby, 23 and 27 Dec. 1678. [Read this day. MS. Min. *See* Notes above.]
- (f) 14 May. Answer of Edward, Earl of Orford. Brought in this day. L. J., XVI. 681-3. *In extenso*.
- (g) 24 May. Answer of John, Lords Soñers. Brought in this day. *Ib.* 700-5. *In extenso*.
- (h) 5 June. Paper of precedents from the Lords' Journals in the case of E. Middlesex's Impeachment, 1 to 13 May 1624.

\* For the Resolution as finally adopted, *see* L. J., XVI. 767.



1701.

[Probably the precedent considered in Select Committee this day.  
See Com. Book.]

No. 1615.

(i) 7 June. Papers containing precedents from the Lords' Journals. *Reported* this day. L. J., XVI. 726-7. *In extenso*.  
See also (k<sup>1</sup>). The papers are :—

(i<sup>1</sup>) L. Chancellor St. Albans and Bishop [of] Llandaff, 20 March 1620-1 to 3 May 1621.

E. Middlesex, L. Treasurer, Ap. 16, 24, 27, May 1, 10, 11, 13.

[The first case is referred to L. J., XVI. 716. For the entries in the last, except those in May, see L. J., XVI. 726. *In extenso*.]

(i<sup>2</sup>) Continuation of preceding, giving entries of April 28, 29 and May 7 in E. Middlesex's Case. L. J., XVI. 726-7. *In extenso*.

(i<sup>3</sup>) E. Bridgewater, 30 Aug. to 2 Nov. 1641. *Ib.* 727. *In extenso*. On the 3rd and 4th pages are precedents for the Lords' fixing the day of Hearing and of taking notice of delay in the Commons, viz :—

V. Mordaunt, 21 Jan. 1666-7.

Five Popish Lords, 6 May 1679 to 12 Nov. 1680.

Mr. Seymour, 3 & 8 Jan. 1680.

D. Leeds, 1 May 1695.

Goudet and others, 3 June 1698.

Five Popish Lords, 5 and 16 Dec. 1678.

[See Lords' Reasons reported 10 June L. J., XVI. 733. See also (l) below].

(i<sup>4</sup>) George Benyon 31 March to 6 April 1642. *Ib.* 727. *In extenso*.

(i<sup>5</sup>) Sir Richard Gourney, Lord Mayor, 5 to 22 July 1642. *Ib.* 727. *In extenso*.

(k) 9 June. Paper of precedents from the Lords' Journals, headed Conferences, viz :—

(k<sup>1</sup>) On the point of Impositions, 21 to 26 May 1614.

Lords' Judicature, 27 May 1675.

V. Mordaunt, 1 to 7 Feb. 1666-7.

[L. J., XVI. 729, 730. *In extenso*.]

E. Stamford, 17 July to 30 Sept. 1645. [Reported 7 June. *Ib.* 727. *In extenso*. See also (i) above.]

(k<sup>2</sup>) Five Popish Lords, 6 to 22 May 1679. [*Ib.* 730. *In extenso*.]

(k<sup>3</sup>) Fair copy of preceding down to part of 19 May 1679.

(l) Precedent of 6 Feb. 1693 of Messages putting the other House in mind of anything delivered at a Conference or otherwise except Bills. [See Lords' Reasons reported 10 June. L. J., XVI. 733. See also (i<sup>3</sup>) above.]

(m) 16 June. Answer of Charles, Lord Halifax. Brought in this day. L. J., XVI. 750-2. *In extenso*.

1616. April 1. Naturalization (Pynyot, &c.) Act.—Petition of Auguste Pynyot [Piniot], born of Protestant parents in Normandy, but not bred in France. He belongs to the Protestant religion as established in the Church of England, for the better enjoyment whereof he left his native country and has resided here ten years, where he hopes ever to abide. Prays leave to bring in a Bill for his naturalization. *Signed*

August Piniot. [Read this day. *Ordered* that Petitioner be included in the pending Bill (Loffland's),\* but he was not so included. L. J., XVI. 640. (*See also* Annex (c)). A Bill for his naturalization was brought in and read 1<sup>a</sup> on 9 April. Royal Assent 12 June. L. J., XVI. 646, 739. 13 Will. III. c. 39 in Long Cal. In the Select Committee his name was altered to Jacob Auguste Pynyot, and his brother Hector Francis, together with Henry Ditch were added to the Bill. Com. Book 14 April. James Bruce was added by the Commons. C. J., XIII. 594.]

1701.<sup>1</sup>—  
No. 1616.

Annexed:—

(a) 10 April. Petition of Hector Francis Pynyot [Piniot], a Protestant, born of Protestant parents in France. Came over for the better enjoyment of his religion, and intends to continue here. Prays leave to bring in a Bill for his naturalization. *Signed* Francis Puniot. *Endorsed* as read this day. *Ordered* that Petitioner be added to the pending Bill. L. J., XVI. 648. [The Petitioner's name was added on 14 April in the Select Committee. Com. Book. *See also* Annex (d)].

(b) 10 April. Petition of Henry Ditch [Dich], late quartermaster in Brigadier Shaack's Regiment of Horse in the English Establishment. Attended the King at his first coming over, and served in the war of Ireland and in Flanders. Was broke three years ago, and, not being naturalized, has been incapable of any post in the army. Is settled in England, with a wife and four children, and desirous of serving the King and Kingdom. Prays to be included in the pending Bill to naturalize several foreign merchants. *Signed* Heinrich Dich. *Endorsed* as read this day. *Ordered* that Petitioner be added to the pending Bill. L. J., XVI. 648. [The Petitioner's name was added to the Bill on 14 April in the Select Committee. Com. Book. *See also* Annex (e)].

(c) 14 April. Certificate that Jacob Augustos Pynyott, of St. Anne, Westminster, on 6 April 1701, received the Sacrament according to the usage of the Church of England, in the Parish Church of St. Anne's, Westminster. *Dated* 7 April. *Signed* Mo. Holwey, Minister, William Movett, Churchwarden. *Attested* by Joseph Grace and Richard Browne, both of St. Anne, Westminster. [Produced this day before the Select Committee. Com. Book.]

(d) 14 April. Identical Certificate for Franeis Pynyott. [Produced this day before the Select Committee, when his name was added to this Bill. Com. Book.]

(e) 14 April. Certificate that Henry Ditch received the Sacrament at the German Lutheran Church in the parish of St. Mary Savoy, on 6 April, according to the usage of the Lutheran Church. *Dated* eod. die. *Signed* Irenæus Crusius, M.A., Minister, Stephen Hide, Churchwarden. *Attested* by John Toe and A. Bockheif. [Produced this day before the Select Committee, when Ditch's name was added to this Bill. Com. Book.]

1617. April 2. Brookfield and Newport Markets Bill.—Lords' Engrossment of the Bill, identical with the Draft Bill as amended, (No. 1570). *Parchment Collection*. [*Ordered* that the Bill be engrossed this day. *Endorsed* as Rejected on 15 April. For the proceedings on the Bill *see* No. 1570.]



1701. 1618. April 7. Coward *v.* L. Mohun.—Petition of Philipps, Lady Mohun.\* Petitioner prays that Charles, Lord Mohun, may not be allowed to elaim his Privilege in order to stop her suit to gain possession of her jointure lands. L. J., XVI. 645. [Read this day and dismissed.]

1619. April 8. Dillon's Divorce Act.—Amended Draft of an Act for dissolving the marriage of Sir John Dillon with Mary Boyle and for other purposes therein mentioned. The amendments, in addition to the amendment of clerical errors, were to leave out, after the recital of Lady Dillon's adultery, the words, and, in or about the month of August 1699, was delivered of a child which is since reported to be dead, and to substitute, at the end of the Bill, the clauses, marked A, for a clause granting her a sum, the amount of which was left blank, for her subsistence and maintenance. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 12 June. L. J., XVI. 645, 739. 13 Will. III. c. 26 in Long Cal. On 25 April Counsel were heard at the Bar. *Mr. Dobbins* proposes to make good the allegations in the Bill. *Mr. Phipps*, for Lady Dillon: We are willing to be rid of Sir John, as he is of us. If we have a settlement, we shall not oppose the Bill. *Mr. Sloane*, for the same, repeats this statement. *Mr. Dobbins*, for Sir John: She eloped from him. We can satisfy your Lordships the facts in the Bill are true. We desire care may be taken of us. That is not a frivolous Bill. Council withdrew. Bill read 2<sup>a</sup> and committed to C. W. H. forthwith. In C. W. H., V. Longueville in the Chair, the clause for maintenance was read. *Moved* to fill the blank with 200*l.* per annum. *On Question?* *Resolved* in the negative without a division. Then this *Question* was put, Whether the Lady Dillon shall have 100*l.* per annum for her subsistence and maintenance during Sir John's and her lives, and 200*l.* per annum for her jointure after Sir John's death? *Agreed to.* The allowance to begin from Lady Day last past. Next [? preceding] clause [as to her debts] read, which had been postponed. *Proposed* that Sir John Dillon pay the lady 200*l.* *On Question*, Whether Sir John shall allow his lady 200*l.* for the payment of her debts? *Resolved* in the affirmative. *Agreed* to leave out the words delivered of a child. Counsel were directed to draw a clause that the Lady Dillon shall have 100*l.* per annum for her subsistence and maintenance, rentcharge, without taxes, paid her in the Middle Temple Hall, London, during the joint lives of her and her husband, and 200*l.* per annum, only if she survive her husband; and also that Sir John do pay her 200*l.* towards payment of her debts. On 29 April, in C. W. H., V. Longueville in the Chair, the clauses drawn by Counsel, as ordered, were brought in and read. *Counsel*, for Sir John, opposes the land to be charged, and moves they may name trustees. *Mr. Sloane*, for the Lady, opposes the naming trustees. *Agreed* to leave out Lismullen from the lands charged in the clauses drawn by Counsel, and to substitute the houses in Limerick. Then these clauses, as amended, were substituted for the last clause in the Bill. The House was resumed. *Proposed* to report presently. *On Question*, Whether the Report shall be now made? *Resolved* in the affirmative. Contents 27, Not Contents 16. *Report* made and Bill agreed to down

\* This Petition should be read in connection with the Cause, Coward *v.* L. Mohun, in March 1696-7, in which Lady Mohun and her second husband Mr. Serjt. Coward endeavoured to have the trusts of Lady Mohun's first marriage settlement carried out. Their Petition was dismissed. See House of Lords MSS., Vol. II. (New Series), No. 1135.

to the clause for 200*l.* after Sir John's death, and to be paid in London. After debate, *On Question*, Whether the 200*l.* per annum payable in London shall be made 100*l.* per annum after Sir John's death, payable in Ireland? *On Question*, Whether to agree with the Committee in this clause? *Resolved* in the negative. Contents 15, Not Contents 25: Tellers, V. Longueville, L. Wharton. *Agreed* that the 200*l.* be made 100*l.* The rest of the Bill agreed to. MS. Min. L. J., XVI. 660, 664.]

1701.  
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No. 1619.

Annexed:—

(a) 25 March. Petition of Sir John Dillon, of Lismullen, Ireland, Knt. Petitioner in 1684 married Mary Boyle, and settled all his estate, with a rentcharge of 500*l.* per annum for her jointure. After having two daughters, still living, by Petitioner, she eloped on 24 October 1695, and has since remained in England. Petitioner was in England from Dec. 1695 to May 1696, and never since until March 1700. During her elopement she has lived in lewd and open adultery, and in August 1699 was delivered of a child, since dead, and she may have had others. Petitioner is in danger of having a spurious issue imposed upon him. His estate is charged with her jointure besides 3,000*l.* for his daughters. He prays leave to bring in a Bill to dissolve the marriage, to bastardize her issue since the elopement, to discharge the estate from the jointure and to relieve him from her debts. He is willing to allow her some reasonable maintenance. *Signed* Jo. Dillon. *Endorsed* as read this day. Leave given to bring in a Bill. L. J., XVI. 634.

(b) 1 April. Petition of the same. As the Petitioner cannot with safety attend to prosecute his Bill by reason of the debts contracted by his wife since her elopement, he prays their Lordships to grant him the protection of the House. *Signed* Jo. Dillon. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 640.

(c) 9 April. Petition of Mary, wife of Sir John Dillon, and daughter of Viscount Blessington. She has been for five years without any support from her husband, and has no means to defend her settlements, made on most valuable considerations of marriage and a good portion, unless her husband is forced to contribute towards her maintenance. Prays that no further steps may be taken on the Bill till she is capable of defending her interests, that she may be heard by Counsel against it, and that her husband may allow her a competent maintenance till she can be heard. *Signed* Mary Dillon. L. J., XVI. 646.

(d) 10 April. Petition of Sir John Dillon in answer to preceding. It was intimated to his wife that she should have a competent subsistence, if she would leave off her lewd conversation, which she refused. Petitioner has never given her any occasion to recriminate. Hopes he may not be compelled to allow her any maintenance during the dependence of the Bill, it never having been done in like cases in Parliaments. His solicitor has given her a copy of the Bill and will fee any Counsel or solicitor she shall employ. But Petitioner thinks it not reasonable she should be entrusted with any money herself, for she may employ it to take off his evidence, he finding already that one of his witnesses is falling off from what she has already deposed. Prays that the Bill may be forthwith proceeded on. *Signed* Jo. Dillon. *Endorsed* as read this day. L. J., XVI. 647.

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1701.

No. 1619.

(e) 14 April. Petition of Mary, Lady Dillon, that the fees of her solicitor and Counsel, offered by her husband and ordered by the House, may be deposited in the hands of a third person, as she finds it very difficult to procure Counsel and a solicitor, if Sir John's solicitor is to fee them. The persons to whom she has applied have already refused to appear for her. *Signed* Mary Dillon. *Endorsed* as read this day. L. J., XVI. 652.

(f) 15 April. Petition of Sir John in answer to preceding. Has directed his solicitor to pay his wife's solicitor her Counsel's fees, but does not think it reasonable she should have more Counsel than he. His solicitor has paid her House Fees. Prays that she may not be entrusted with the money herself, but that the former Order of the House, of the 10th instant, may stand. *Signed* Jo. Dillon. *Endorsed* as read this day. [No entry in L. J.]

(g) 29 April. Amendments made in C. W. H. on 25 and 29 April. *Reported* this day.

(h) 29 April. Draft Clauses, marked A, drawn by Counsel, pursuant to Order made in C. W. H. on 25 April, for the lady's maintenance and for payment of her debts, and substituted this day for the last clause in the Bill, after amendment.

1620. April 9. Association Roll (7 and 8 Will. III. c. 27).—Roll to contain signatures of Lords subscribing to the Association set out in the Act of 1695–6 for the better security of his Majesty's royal person and government. The only signature is that of Humphry [Humphreys] Bishop of Bangor, who took the Oaths this day. L. J., XVI. 646. *Parchment Collection*.

1621. April 9. Test Roll (25 Car. II. c. 2).—Roll to contain the signatures of Lords to the Declaration in the Act of 1672 for preventing dangers which may happen from Popish Recusants. The only signature is that of Humphry [Humphreys], Bishop of Bangor. *Parchment Collection*. [On 9 April the Bishop of Bangor took the Oaths and made and subscribed the Declaration. L. J., XVI. 646. Henry Roberts and William Griffiths testified that they had seen the Bishop receive the Sacrament pursuant to the Statute. MS. Min.]

1622. April 10. Farewell v. E. Montagu.—Petition of Arthur Farewell, Esq. Petitioner is the only son, heir and administrator of Mary Farewell, one of the daughters of Nicholas Monk, late Bishop of Hereford, who was younger brother of the renowned General Monk, father of Christopher, late Duke of Albemarle. Duke Christopher, by his Will in 1687, charged his lands in Cheshunt and Enfield, in Herts. and Middlesex, worth 1,200*l.* a year, with an annuity, during his wife's life, of 170*l.*; 100*l.* of this sum was for the Petitioner's maintenance and education, and the residue for his mother. She died 7 years ago. Not a penny has been paid, so that Petitioner, who has no other means, has contracted debts owing to which he is now a prisoner in the Fleet. He obtained leave to use the names of the surviving executors and trustees after indemnifying them to recover by distress the arrears, which amounted to 2,040*l.* last Christmas. Ralph, E. Montagu, however, who, by his marriage with the Duchess, was in possession of the lands charged in trust for the Petitioner, refused either to pay the money, or to admit a distress, or to waive his Privilege with a view to a trial at law. Prays for relief, otherwise he must inevitably perish. *Signed* Art. Farewell. [After the Petition had been read, *Ordered* that E. Montagu do answer thereunto in ten days'

time. L. J., XVI. 647. The Earl brought in his Answer (Annex (a)) on 26 May. There seem to have been no further proceedings. MS. Min.]

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No. 1622.

Annexed:—

(a) 26 May. Answer of Ralph, E. Montagu. He is seised of the lands mentioned, but is not in any sort a trustee for Petitioner, as unfairly suggested. Insists on his Privilege. *Signed* Montagu. *Endorsed* as brought in this day. L. J., XVI. 707.

1623. April 10. Morley's Estate Bill (Petition).—Petition of Charles Morley, M.D., and Elizabeth, his wife, on behalf of themselves and of Elizabeth Calthorpe, an infant. In 1681 Petitioner Elizabeth, now the wife of Charles Morley, married James Calthorpe, son and heir of Sir L'Estrange Calthorpe and Dame Ann, his wife. The only issue of that marriage now living was Elizabeth Calthorpe, who is now 18 years old and an heiress in reversion without any present portion or maintenance. On Petitioner Elizabeth's marriage, part of the manors of West and North Basham, &c., in Norfolk, which belonged to James Calthorpe were charged with 260*l.* per annum to her use if she survived her husband. The other part was to be for the use of Dame Ann, after whose death the whole estate was to be charged with 280*l.* per annum for Petitioner Elizabeth. Her husband died some years after, and she married Petitioner Morley in 1689. Dame Ann is still living, and the estate has not met half the Petitioner's rentcharge. The arrears still increase, and soon the reversion will be of no value to the infant. Petitioners are willing to consent to the sale of the estate, to secure a marriage portion for the infant. Pray leave to bring in a Bill for the sale of the estate, saving the interest of Dame Ann and her daughters Mary and Barbara, for the payment of the arrears, for raising the marriage portion and giving Petitioner Elizabeth an equivalent for her life interest. *Signed* Charles Morley, Eli. Morley, Elizabeth Calthorpe. [Read this day. Leave was given to bring in a Bill, but there appear to have been no further proceedings. L. J., XVI. 648.]

1624. April 12. Sanford's Estate Bill (Petition).—Petition of John Sanford, Esq. He is tenant to the Dean and Chapter of Exeter for the manor of Culmstock, Devon, by lease for 21 years. By the custom of the manor he has power to grant estates by copy of Court Roll for one or two lives jointly in possession and also for one life in reversion, subject to the custom of widows' estates. This tenure is subject to many inconveniences to both copyholders and Petitioner, whereby the revenue is like to decay. The Dean and Chapter are willing that a power of granting estates by leases for years, determinable on one, two or three lives, should be substituted. Prays leave to bring in a Bill for that purpose. *Signed* John Sanford. [Read this day. *Ordered* as prayed. L. J., XVI. 650. No Bill appears to have been brought in.]

1625. April 12. Elizabeth Perkins' Estate Bill.—Draft of an Act for making a competent provision for the maintenance of the children of Edmund Perkins, Esq., by Elizabeth, his wife, out of the fortune of the said Elizabeth, and for the education of the said children in the Protestant religion established by law. Whereas Thomas Henslow, Esq., lately deceased, was in his lifetime seised in fee simple of an estate of the yearly value of 600*l.* and upwards, well stored with wood and timber, the said Thomas Henslow descending from ancestors who were of the Protestant religion; and the said Thomas Henslow, being



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No. 1625.

so seised, had issue only two daughters, Katherine and Elizabeth, and afterwards died, the said Katherine and Elizabeth surviving their said father, and being at the time of the decease infants of tender years; and whereas Edmund Perkins, late of Winckton, in Hampshire, but now of Athelhempston, in the county of Dorset, Esq., after the decease of the said Thomas Henslow intermarried with the said Elizabeth, one of the daughters and coheirs of the said Thomas Henslow, the said Elizabeth being, at the time of her marriage, an infant about 15 years of age, and the said Edmund Perkins being then and yet a Roman Catholic; and whereas the said Edmund Perkins, in right of the said Elizabeth, possessed himself of the moiety of the said estate, descended as aforesaid to the said Elizabeth from her said father, the said Thomas Henslow, and has since sold and disposed of the same to Richard Norton, Esq., or some other person or persons, for the sum of 6,700 pounds, contrary to the agreement expressed and declared upon marriage, by which the said moiety of the said estate, descended, as aforesaid, to the said Elizabeth, was to remain unsold and to descend to the issue of the said Edmund by the said Elizabeth; and whereas the said Edmund Perkins, being, as aforesaid, a Roman Catholic, has, upon account of religion, imposed great hardships upon the said Elizabeth, and for several years past used her in a very cruel and unnatural manner, the said Elizabeth being a Protestant of the Church of England, as by law established, and descended, as aforesaid, of a Protestant family; and whereas the said Edmund Perkins, having had issue by the said Elizabeth five children, viz., Elizabeth, Lucy, Francis, Mary and Edmund, who are now all infants of tender years, the said Edmund Perkins, with intent to breed and educate them in the Catholic religion, has taken away and removed from the said Elizabeth her said children, and caused them to be carried and conveyed to Athelhempston aforesaid, being a lone house not far from the seashore, with design, as is reasonably to be feared, to transport them or some of them to be educated in the Popish religion in some foreign school or seminary, and the said infants are at present committed to the tuition and guardianship of a Popish priest and others, being Papists, to the great discomfort of the said Elizabeth and to the encouragement of the growth of Popery in this Kingdom, the example whereof may be of dangerous consequence to the public if not prevented in all just and reasonable instances.

The Bill enacts that the Lord Chancellor or the Lord Keeper shall direct the children's education, as in the case of wards of Chancery; that the children shall be under the care, tuition, inspection and guardianship of the L. Chancellor or L. Keeper till the age of 21. The L. Chancellor or L. Keeper is empowered, on petition of their mother or otherwise, to take effectual care that they be brought up in the Protestant religion, by appointing such Protestant guardians, tutors, masters, or matrons as they shall think fit. In order to make a competent and reasonable provision for the maintenance and education of the infants, the L. Chancellor or L. Keeper is empowered by process of the Court, to compel Edmund Perkins to make a reasonable allowance out of his wife's estate, or out of any estate since purchased with her money, up to a certain yearly value. Nothing in the Act is to impeach or alter any agreement between Edmund Perkins and his wife concerning any jointure, settlement or other provision or maintenance belonging to her. [Brought in and read 1<sup>a</sup> this day. L. J., XVI. 650. On 24 May Counsel were heard at the Bar. *Mr. Dobbins*, for Mr. Perkins: This is a Bill of an extraordinary nature. *Mr. Phipps*, for the same: This was all caused from one Bishop who borrowed money to come to Mr. Perkins's

house, and, after being there some time, he could lend money to others. *Mr. Dodd*, for Mrs. Perkins: We can make good the allegations in the Bill. Mr. [Mrs] Perkin's reputation is unspotted, and we have several gentlemen and ladies to attest the same. Mr. Perkins designs to send away the children. *Mr. Browne* also heard for the same. *Mrs. Elizabeth Reynolls* (sworn): Mr. Perkins turned his wife out of doors when he knew she was turned Protestant. The quarrel was about the matter of breeding the children. *Mr. Burby* (sworn): I have known Mr. Perkins and his wife nine or ten years. They lived very well till within two or three years. *Mrs. Grace Wagg* (sworn) and heard. *Richard West* (sworn): I administered the Sacrament to her. It was about a fortnight since. She said she forgave Mr. Perkins and all the world. *Mr. Knapton* (sworn): I knew Mrs. Perkins seven years. She always behaved herself well and had a good report amongst her neighbours. She said there had been scandalous reports about. She apprehended there was an intention to carry her over sea. *Shetlock* and *Henry Lacy* (sworn) and heard. *Mr. Doore* (sworn): Mrs. Perkins is a very sober woman. I heard Mr. Bishop was there. *Mr. Cowes* (sworn): She is a Protestant of the Church of England. On 26 May *Mr. Dobbins* heard for Mr. Perkins. *Mr. Penny* (sworn) and heard for Perkins. A letter was produced, which was found in Mrs. Perkins's cabinet. They prove the letter to be Bishop's writing, date 16 Jan. 1688-9, directed for Madam Perkins. *Mr. Arundell* (sworn) and heard. *Eleanor Graham* (sworn): I knew Mrs. Perkins. Before she was married she was a Papist. *Mr. Lenthall* and *Katherine Lacy* (sworn) and heard. *Mr Lacy* (sworn): I never heard a word of difference till Mr. Bishop came into the family. A letter of Mrs. Perkins read. *Mr. Phipps* heard for Mr. Perkins. *Mr. Rever* (sworn): Produced the letter: There was another letter from Mrs. Perkins to Mr. Bishop. *Mr. Wentworth* and *Mrs. Longe* (sworn) and heard. Counsel withdrew, and the House went into debate, Whether the Bill shall be rejected or not? The Bill was read 2<sup>a</sup>. *Question*, Whether it should be committed? *Resolved* in the negative. Contents 19 and 5 Proxies, Not Contents 29: Tellers, L. North, L. Herbert. Then, *On Question*, the Bill was rejected. MS. Min. L. J., XVI. 706, 707.]

Annexed:—

- (a) 23 April. Petition of Edmund Perkins, Esq. The Bill contains many malicious and false allegations. Most of the witnesses who can disprove them live above 100 miles from London. Prays to be heard by Counsel before the Second Reading, and to be allowed a convenient time to bring up his witnesses. *Signed* Edmund Perkins. *Endorsed* as read this day. L.J., XVI. 658.
- (b) 24 April. List of witnesses for Mr. Perkins, "and that they may have the protection of this Honble. House." The list includes the names of the Honble. Henry Arundell, Esq., Junior, of Bremore, Hampshire, Sir Henry Tichbourne, Bart., of Tichbourne, Hampshire, and 15 other persons. *Endorsed* with this day's date.
- (c) 12 May. Petition of Elizabeth Perkins. Petitioner has been turned out of doors in a forcible and violent manner by her husband. She has no subsistence or allowance wherewith to bring up her witnesses or fee Counsel. Prays to be heard by Counsel at the Bar, and that her husband may make her an allowance for her Counsel and to bring up her witnesses. *Signed* Elizabeth Perkins. *Endorsed* as read this day. L.J., XVI. 678.

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No. 1625



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No. 1626

1626. April 15. Bowyer's Estate Bill.—Commons' Engrossment of an Act for vesting the estate of Sir John Bowyer, Bart., in trustees to enable him to make a settlement in order to his marriage. Whereas the late Sir John Bowyer, of Knipersley, Staffordshire, Bart., father of the present Sir John, had, on his marriage with Jane Murray in 1675, settled Stalbrooke House and other property, worth 160*l.* a year, on himself and his heirs, and conveyed his manors, &c., of Knipersley, Norton in or upon the Moors, Bucknall, Apedale, Stalbrooke, Derington, one-third of Tunstall, Biddulph, Childerplay, Baddeley, Bemmersley, Milton, Over Heckley, Fenton, Culvert, Whitmore, Burslam, Woolstanton, Chesterton, Audley, Delves Ridge, Handford, Hanchurch, Clayton, Griffith, Redstreet, Loughton, Derington juxta Meare, Padmore, Halmerend, Thicknesse, the borough and manor of Newcastle under Lyne, Sidway Meare, Meare Lane and Ashton or elsewhere in Staffordshire, to the use of himself for life, then to trustees for his widow in life rent, for her jointure, then for the issue male of the marriage and then for the heirs male of Sir William, his grandfather, with a proviso that Dame Jane's interest should cease on lands worth 700*l.* a year being settled upon her, the settled lands not being then worth so much over and above the incumbrances, most of which are now discharged; but Sir John died before the property was cleared or the 700*l.* settled on Dame Jane, who is still willing to accept it; and whereas his only son, Sir John, is heir male both of his father and of his great-grandfather and could dock the entail, but for his mother's interest; and whereas his father mortgaged several lands and encumbered the estate with debts which it would be well to clear off to keep the property intact; and whereas there is a treaty of marriage pending between Sir John, now under age and unable to make a settlement, and a lady with a considerable portion, of which 4,000*l.* will clear the estate and the rest will go to furnish a house and provide stock, the Bill vests the above entailed property and the equity of redemption of the property vested in his father in fee, which he had mortgaged, in William, Lord Digby, Baron of Grashill, Sir Charles Holt, of Aston, Warwickshire, Bart., and William Colemore, of Warwick, Esq., in trust to settle lands worth 700*l.* a year in Dame Jane, and reversion thereof, and all the other property as shall be agreed by the parties concerned, but, if Sir John have no issue male, in accordance with the former settlement, with the usual portions for daughters, the marriage portion being paid to John Lanyon, of St. Martins-in-the-Fields, Gent., and Henry Jephcott, of the Priory, Warwick, Gent., to be applied as above recited, any lands purchased with it being settled on Sir John and his heirs. The Bill further vests in the said trustees, Lord Digby, Holt and Colemore, a fourth of a fourth of the manors of Little Bentley, Landinmer Hall and other manors, &c., comprised in an indenture of 25th June 1672 between Henry Murray, Esq., and Ann, his wife, (sister of the late Lord Bayning and co-heir of Anne, Countess of Oxford, his surviving daughter), Dame Jane Bowyer, their daughter, the late Sir John Bowyer, her husband, and Sir Henry Puckering and Sir Thomas Whitgreave, after the death of the present Earl of Oxford, as well as a fourth of the manor of Foxley *alias* Foxleys, Berks, which had been settled on Dame Jane Bowyer for life and then on her male issue by the late Sir John, and the trustees are, on the present Sir John's marriage, to settle this property as may be agreed, with Dame Jane's consent, unless Sir John come of age or die before marriage, in which case the trust is to cease; and, until such settlement, persons entitled to the rents may receive them. Then follows the general saving clause. *Parchment Collection*, [Brought from the Commons and read 1<sup>a</sup> this day. The

Bill was read 2<sup>a</sup> and committed the following day. L.J., XVI. 653, 654.  
No further proceedings are recorded.]

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No. 1626.

1627. April 15. Mr. Sloane's Arrest.—Affidavit of Edward Watty, Gent., that James Sloane, Esq., was taken by a sheriff's officer, upon an attachment at the suit of John, Earl of Bath, in Deponent's chamber, in Symond's Inn. Mr. Sloane offered Mr. Groundman and Deponent bail for his appearance, but the officer and Mr. Nicholls, the Plaintiff's clerk in Court, refused to accept bail, although Mr. Sloane informed them he was going to attend a Committee of the House of Lords.\* *Signed* Edw. Watty. *Sworn* this day before Tho. Gery. [Read this day. L. J., XVI. 653. Watty was examined at the Bar on 16 April, and stated that the arrest took place about the middle of last week. The officers kept Mr. Sloane till he entered appearance before the Register. A motion that the bailiff and clerk in court should be taken into custody was negatived. MS. Min. L. J., XVI. 656.]

1628. April 16. St. John's Name Act.—Amended Draft of an Act to change the surname of Ellis Mews and his heirs to the surname of St. John. The Lords made one amendment, to add the right of the King's Majesty, in the general saving clause. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 12 June. L. J., XVI. 656, 739. 13 Will. III. c. 34 in Long Cal. *See also* Com. Book 2 May.]

Annexed:—

(a) 10 April. Petition of Ellis Mews, Gent. Petitioner intermarried with Frances St. John, deceased, late of Farley Chamberlaine, in the county of Southampton, one of the sisters and coheirs of Oliver St. John, Esq., deceased. His wife settled all her estate on him and his heirs and assigns for ever, on condition that he assumed the surname of St. John, and procured an Act for that purpose. Prays leave to bring in a Bill. *Endorsed* as read this day. *Ordered* that Judges attend and that deeds be produced to-morrow. [On 11 April, on debate on the Petition, the L. Keeper was heard, and leave was given to bring in a Bill. MS. Min. L. J., XVI. 647, 649.]

1629. April 17. D. Ormonde's Estate Act.—Amended Draft of an Act for the more speedy payment of the creditors of James, late Duke of Ormonde, and of the present Duke of Ormonde. The amendments, made in the Lords and also in the Commons, were merely of a drafting character. They were to fill in the blanks with dates, sums of money and the names of trustees. [Read 1<sup>a</sup> this day. Royal Assent 12 June. L. J., XVI. 656, 738. 13 Will. III. c. 10 in Long Cal.]

Annexed:—

(a) 16 April. Petition of James, Duke of Ormonde and Charles, Lord Baron of Weston, Earl of Arran, in the Kingdom of Ireland. The Act lately passed to pay the debts of the late Duke, Petitioner's grandfather, which were much increased, as the Petitioner was deprived of his rents during the late rebellion in Ireland, has proved deficient. Petitioners therefore pray leave to bring in a new Bill giving enlarged powers. *Signed* Ormonde, Arran. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 656.

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\* On Brookfield Market Bill. *See* No. 1570.



1701.

(b) 2 May. Paper of amendments made in the Select Committee this day. Com. Book.

No. 1629.

1630. April 17. Hyde's Estate Act.†—Amended Draft of an Act for vesting the estate of Humphry Hyde, Esq., deceased, in trustees, for raising portions for his younger children. The principal amendments made by the Lords were to insert the clause for a jointure to the wife of the son or sons of Humphry Hyde, both in the preamble and also in the enacting part of the Bill, as well as the clause for the 50*l.* legacy to the poor of Kingston Lisley and to fill blanks with the names of the trustees. Com. Book 8 May. The only amendment of any importance inserted by the Commons was a proviso to protect the jointure of the widow against any act on the part of the trustees of the estate. C. J., XIII. 589. [Read 1<sup>a</sup> this day. Royal Assent 12 June. L. J., XVI. 656, 738. 13 Will. III. c. 21 in Long Cal.]

Annexed:—

(a) 12 April. Petition of Elizabeth Hyde and Mary Hyde, two of the daughters of Humphry Hyde, late of Kingston Lisley, in the county of Berks, Esq., deceased, and of John Hyde, his eldest son and heir. Petitioner's father was seised in fee of the manor of Kingston Lisley and of Fawler Battleking *alias* Baulking, in Sparsholt, Berks. In Nov. 1692 he conveyed his estate to several persons, in trust that they and Gertrude Hyde, his wife, (without her taking anything by the limitation of the said estate by the premises and habendum of the said deed), should raise out of the profits 5,000*l.*, in manner and for purposes to be directed by his Will, for the younger children. By his Will, made in Jan. 1692–3, he left 1,200*l.* to each of the Petitioners Elizabeth and Mary, but gave no directions how the money was to be levied. The trustees cannot raise the money without Gertrude, but, as she has no estate, as aforesaid, she cannot act with them. The portions cannot therefore be raised, and are a growing incumbrance which will ruin the estate. The trust estate is worth about 400*l.* a year, of which 60*l.* a year is for John Hyde's maintenance. Pray leave to bring in a Bill giving the trustees power to grant leases for years, copyhold estates for life or lives, or to mortgage or sell part of the estate, to raise the 2,400*l.* Signed John Hyde, E. Hyde, M. Hyde. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 650.

(b) 8 May. Paper of amendments made in the Select Committee this day. Com. Book.

1631. April 23. Writ of Summons (D. Newcastle).—Writ of Summons to John, D. Newcastle-upon-Tyne. Dated 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 658.]

1632. April 24. Writ of Summons (E. Winchilsea).—Writ of Summons to Charles, E. Winchilsea. Dated 26 Dec. 1700. [Took the Oaths this day. L. J., XVI. 659.]

1633. April 24. Tily *v.* Wharton.—Petition and Appeal of Sir Joseph Tily, Knt., and Dame Deborah, his wife, late wife of Sir John Roberts, Bart., and his administratrix. Sir John Roberts, out of charity, entertained in his family, as a poor relation, Eunice, the

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† See No. 1478.

daughter of Anne Broome, but being informed that she could counterfeit his hand, he exhibited his Bill of discovery in Chancery in 1691 against her and her mother and their confederates, charging them with contrivances to entangle his estate. Anne and Eunice disclaimed having any bond executed by Sir John, or any claim on his estate; but after his death they set up a pretended bond for 1,500*l.*, dated 20 Oct. 1690, which none of those whose names appeared as witnessing it could swear was executed by Sir John, and one swore his own name was forged. Ebenezer Broome, moreover, the brother of Eunice, made a confession pointing to the conclusion that the bond was forged. After many suits and alleged neglect on the part of the attornies, Eunice, who had in the meantime married William Wharton, obtained a Decree in Chancery, on 28 June in 12 Will. III, against Appellants and John Caulier, Samuel Browning, John Gardner, Robert Attwood and Richard Turner, Sir John's trustees, ordering the Appellants to come to an account before Sir Lacon William Child, Knt., for Sir John's personal estate, any deficiency to be made up by sale of part of the real estate; and on a rehearing, this Decree was confirmed by the Lord Keeper on 22 March last. Appeal against these two Decrees, as being contrary to the oath of the Respondents and the evidence pointing to forgery, and as giving Respondents greater advantages than they would have had by law. *Signed* Jos. Tily, Deb. Tily. *Countersigned* James Sloane, Wm. Attwood. L. J., XVI. 659. [At the Hearing on 31 May, *Sir Thomas Powys* and *Sir Bartholomew Shore*, for the Appellants, said they desired a new trial, standing with two trials against one, and produced the bond. *Mr. Solicitor* and *Mr. Dobyms*, for the Respondents, read the Answer in Chancery, and Anne Broome's deposition]. The Decree was reversed so far as that there should be a new trial. MS. Min. L. J., XVI. 714. On 9 June one Counsel of a side were heard on Respondents' Petition (Annex (c)) as to costs. *Mr. John Peere Williams*, for the Respondents, said they had paid their costs upon the former trial, and *Mr. Sloane*, for Tily, urged that here they do not go without security for their costs; and Nisi Prius costs were given to Respondents for the last trial, &c., as in L. J., XVI. 731. MS. Min. On 27 Feb. 1701-2, on Appellants' Petition (Annex (d)) for a Hearing on the equity reserved, *Sir Thomas Powys* and *Mr. Mulse*, for the Appellants, prayed that the Decree might be reversed, as their clients had a verdict in the trial directed by the House. *Mr. Solicitor* and *Mr. Montagu*, for the Respondents, prayed for a third new trial, which should be conclusive. The Decree was reversed, with 20*l.* costs, afterwards left out, on Appellants Petition (Annex (g)). MS. Min. L. J., XVII. 50.]

Annexed :—

(a) 3 May. Answer of William Wharton, Esq., and Eunice, his wife. Eunice was the grand niece of Sir John Roberts, who had no children, and had an extraordinary love for her and brought her up. He gave her the bond to keep, and left her 300*l.* besides in his Will. Respondent's alleged disclaimer was declared by all the Judges to be no disclaimer. Ebenezer Broome has contradicted on oath his alleged confession, though Sir Joseph Tily has, by unwarrantable practices, tried to entice and frighten him into a confession. The matter is matter of fact, and five of Respondents' witnesses are dead. Appellants, therefore, ought not to have a new trial. Pray that the Appeal may be dismissed with exemplary costs. *Signed* Wm. Wharton,

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Eunice Wharton. *Countersigned* Wm. Dobyns. *Endorsed* as brought in this day,

- (b) 28 May. Petition of Appellants that Respondents may be ordered to produce at the Hearing the bond and all the other papers and evidences proved in Chancery and mentioned in the Decree. *Signed* by Appellants. L. J., XVI. 710. *Endorsed* as read this day.
- (c) 2 June. Petition of Respondents that Appellants may be ordered to pay them the full costs of the last trial at Bar, before they proceed to the new trial at law ordered by the House, as Petitioners had paid them their full costs of a former trial before proceeding to the last trial. *Signed* by Respondents. L. J., XVI. 717. *Endorsed* as read this day. [See Note to first paper.]
- (d) 5 Feb. 1701-2. Petition of Appellants. On 27 Oct. last the new trial, which had been ordered by the House, took place before a special jury of Middlesex gentlemen, whose verdict was that the bond had not been by Sir John, though many of Appellants' material witnesses, examined in Chancery, were not admitted to be sworn. Pray for a day for the Hearing of the matters upon the equity reserved. *Signed* by Appellants. L. J., XVII. 26. [See Note to first paper.]
- (e) 16 Feb. Answer of Respondents to preceding. The verdict given was not to the satisfaction of the Court. The suggestion that Appellants' witnesses were not examined is untrue. The latter could not prove forgery, which was the point the House wished tried. One of Respondents' witnesses was absent through illness. Pray for a new trial as to the alleged forgery, which they will accept as final, or that the Decrees appealed against may stand. *Signed* by Respondents. *Endorsed* as brought in this day.
- (f) 20 Feb. Petition of Respondents for ten days' further time for the Hearing, as Wm. Wharton has been ill and has not had time to instruct Counsel in support of a new trial, and that Chief Justice Holt, before whom both trials at Bar were held, and who was not satisfied with the verdict in the last, should be desired to give the House an account how the matter appeared to him at the trial. *Signed* by Respondents. L. J., XVII. 40. *Endorsed* as read this day.
- (g) 3 March. Petition of Appellants. In reversing the Decrees complained of, the House has ordered Petitioners 20*l.* for costs, which they apprehend were the costs of the Appeal, but which, they are instructed, will debar them from getting their costs below, which are above 2,000*l.* Pray their Lordships' Order may be explained before being entered on the Journal. *Signed* by Appellants. [Read this day. *Ordered* that the words, with 20*l.* costs, be left out. MS. Min. No entry in L. J.]

1634. April 24. American Plantations (Re-union with the Crown) Bill.—Draft of an Act for reuniting to the Crown the government of several colonies and plantations in America. Whereas, by virtue of several Charters and Letters Patent under the Great Seal of England passed and granted by several of his Majesty's royal predecessors, as also by his present Majesty and the late Queen Mary, of blessed memory, the several colonies, provinces, and plantations, of the Massachusetts Bay, New Hampshire, Rhode Island and Providence

Plantation, Connecticut in New England, East and West New Jersey, Pennsylvania and the adjacent territories, Maryland, Carolina, and the Bahama or Lucay Islands, in America, have been granted unto several persons, together with the absolute government and authority over his Majesty's subjects in those places, whereby the grantees were not only made proprietors of the soil and lands comprchended within the said places, but also lords and governors thereof, with full power of exercising royal government and other jurisdictions over the inhabitants thereof; and whereas the severing of such power and authority from the Crown and placing the same in the hands of subjects has, by experience, been found prejudicial and repugnant to the trade of this Kingdom and to the welfare of his Majesty's other plantations in America, and to his Majesty's revenue arising from the customs, by reason of the many irregularities committed by the governors of those plantations and by those in authority there under them, by encouraging and countenancing pirates and unlawful traders and otherwise.

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Be it therefore enacted, etc., that all and singular the clauses, matters and things contained in any Charters or Letters Patent heretofore passed under the Great Seal of England by any of his Majesty's royal predecessors or by his present Majesty and the said late Queen relating to the government of his Majesty's subjects within the said plantations, colonies, or places, or any of them, or within any other plantation, colony, or place in America, whereby any power or authority is granted to any person or persons from the Crown, be and is hereby declared and enacted to be utterly void and of none effect; and it is hereby further declared and enacted that all such power and authority, privileges, and jurisdictions shall be and are hereby reunited, annexed and vested in his Majesty, his heirs and successors in right of the Crown of England, to all intents and purposes as though no such Charters and Letters Patent had been had or made.

Provided always that nothing herein contained shall be construed to extend any ways to alter, take away, diminish, or abridge the right or title which any person, persons, or bodies politic or corporate have, or lawfully may have or claim, to any land, tenements, or hereditaments, or any other matter or thing, (authority and power of government only excepted), by virtue of the said or any other Charters or Letter Patent, or by virtue of any right or title derived from or under such Charters or Letter Patent by any mean assignments or conveyances or otherwise howsoever.

Provided also that nothing in this Act contained shall be construed to empower his Majesty, his heirs or successors, to govern the said plantations, colonies, or places, or any of them, or the inhabitants thereof, otherwise than according to the laws in force in the said plantations and places respectively, not repugnant to the laws of England and such other laws and constitutions as shall from time to time be made by the general assemblies of the said respective plantations, according to the several and respective privileges at any time heretofore granted to the said several plantations and colonies respectively, by any Charter or Charters or Letters Patent under the Great Seal of England, and according to the usages in his Majesty's other plantations in America. [Read 1<sup>a</sup> this day. L. J., XVI. 659. On 3 May Counsel and witnesses, on Mr. Penn's Petition, Annex (a), were called in for and against the Bill, *see also* Annex (b). *Mr. Dodd* and *Mr. Phipps* were heard for Mr. Penn, against the Bill, and *Mr. Serjeant Darnell* and *Mr. Montagu* for the Bill. *Mr. Montagu*: We have witnesses to make good what we have said. *Mr. Randall*



1701. [Randolph, *see* Annex (b)] was heard. *Counsel for Mr. Penn* oppose Randall's being a witness. Several witnesses were heard. *Capt. Street* —  
 No. 1634.] heard: I have been at several trials. Neither judge nor jury nor evidence sworn, and the man hanged for murder. *Mr. Peple* reads some laws made in Pennsylvania, of 8*d.* per ton. Then papers ordered. *See* L. J., XVI. 666. On 8 May a Petition of Charles, Lord Baltimore, against the Bill, was read. *Ordered* to be heard, if he be ready. Counsel called in on the Petition of Sir Henry Ashhurst for the colony of Connecticut (Annex (d)). *Mr. Phipps*, for Petitioner: They choose their proper officers every year. We have the Charter. This government taking away is an absolute dissolving of the colony. We put it upon them to prove any ill done by us. *Mr. Serjeant Darnell*, for the Bill: They deny all appeals from them. The[y] encourage other trade. *Mr. Montagu*, for the Bill: We think it lies on us only to make good the reasonableness of this Bill. They carry on prohibited trade prejudicial to England. They read [an] Order [of] Council of Trade. *Proposed* to read affidavits. *Opposed* by the other side, the persons being in town. Counsel withdrew. *Proposed* to read what they have for the information of the House, and that the other side may object against them after read. *Proposed* to call in the Counsel and read the evidence as it is proposed. *Agreed* to call in the Counsel. Counsel, called in, were told that the Counsel for the Bill had liberty to read any papers, and those against the Bill had liberty to object against them when read. They read letters, depositions and orders. *Mr. Phipps* heard to what they have read, and objected against it. *Mr. Phipps* heard for Lord Baltimore. He says he was retained but this day. He read only the first part of his Charter. I hope he will not be prevented from hearing, though he is not now ready, and hope he shall be heard another time. Counsel withdrew. *Proposed* to hear Lord Baltimore or any other persons who shall think themselves concerned therein. *Ordered* Monday next for all persons peremptorily to be heard, and none after. On 13 May Counsel heard for L. Baltimore (Annex (f)). *Mr. Phipps* heard for L. Baltimore: This will be the ruin of my Lord's family. *Mr. Dodd* heard also. *Mr. Serjeant Darnell* and *Mr. Montagu* heard for the Bill. On 17 May Counsel called in for Mr. Penn (Annex (a)). *Mr. Phipps* proposes to read some papers delivered into this House. They read a letter from Mr. Penn, 15 Oct. 1697, [and] a letter, 14 Feb. 1697–98. They read an address to King William. They read several letters. They read a proclamation of Mr. Penn for preventing of pirates. They read an address from the General Assembly of the Country. *Mr. Dodd*: We hope the papers read will fully justify Mr. Penn. The papers read have sufficiently exposed Mr. Randall in what he has said. *Bartholo. Browne* (sworn) and heard. *Arthur Bunyon* and *John Swift* (sworn). *Mr. Serjeant Darnell*, for the Bill: Mr. Penn is to transmit every three years the laws to England; but, says Mr. Penn, let us make these laws annual and we shall put that out of their power. The Quakers not sworn are jurymen, &c. *Mr. Montagu*, for the Bill: This Bill is founded upon the general reason that no power in the plantations should be independent of England. Several persons were heard in this business. *Mr. Basse* heard. *Ordered* that the Bill be read 2<sup>a</sup> on Wednesday next, and all the Lords summoned. MS. Min. On 23 May the Bill was read 2<sup>a</sup> and committed to C.W.H. *Ordered* that E. Bath be heard on 2 June. *Moved* to hear others, already heard, again. MS. Min. L. J., XVI. 700. The consideration of the Bill in C.W.H. was put off from time to time. On 11 June *Moved* that the House be put into

a Committee on the Bill. *On Question*, Whether it should be on Monday next? Contents 22, Not Contents 34: Tellers, L. Jeffreys, L. Herbert. Then, *On Question*, Whether it should be to-morrow? Contents 33, Proxies 5, Not Contents 27, Proxies 5: Tellers, L. Herbert, L. Jeffreys. The Bill, however, was dropped. MS. Min. L. J., XVI. 659, 717, 722, 726, 736.]

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Annexed:—

- (a) 25 April. Petition of William Penn, Junior. The Bill seems to take away the estate of Petitioner's father, now absent in Pennsylvania, purchased from the Crown upon a valuable consideration. Prays to be heard by Counsel against the Bill. *Signed* Wm. Penn, Jr. L. J., XVI. 660. *Endorsed* as read this day.
- (b) 29 April. List of witnesses summoned to appear for the Bill on 3 May. The names of George Keith, clerk, Edward Selater, Gent., and Edward Randolph, Esq., appear in addition to those mentioned in L. J., XVI. 665.
- (c) 3 May. Petition of John, Earl of Bath, on behalf of himself and others, the Lords Proprietors of the province of South Carolina and the Bahama Islands, in America. The Bill has been prosecuted in the absence and surprise of Petitioners, who consist of eight proprietors, four of them Peers, some under age, and others out of town, and tends to disinherit them of their legal rights and properties, held by Letters Patent, by virtue whereof several colonies and plantations have been established to the advantage of trade, at their expense of at least 30,000*l.*, for which Petitioners have as yet received only 800*l.* It will also ruin a great number of planters, unless Carolina and the Bahamas are excepted, or a clause be introduced to secure Petitioners' legal rights and properties, pursuant to the Letters Patent, and the established fundamental constitutions made in the beginning of the plantation by those most honourable persons who were the first grantees and undertakers thereof. Pray to be heard by Counsel on the Bill. *Signed* For myself and in behalf of the other said proprietors, Bathe. L. J., XVI. 666. *Endorsed* as read this day and read again on 23 May.
- (d) 3 May. Petition of Sir Henry Ashhurst, Baronet, agent for the colony of Connecticut. The Bill will annul the Charter granted to the inhabitants of the colony by Charles II., dated 23 April 1662, whereby the government is granted to the inhabitants; and it is so interwoven with their properties that it cannot be taken away without exposing them to confusion if not utter ruin. The colony lies at a distance from the sea, and the inhabitants have never been accused of any maladministration, piratical or unlawful trade. Their case differs from that of the other plantations. Prays to be heard by Counsel against the Bill, in behalf of the said inhabitants. *Signed* Hen. Ashhurst, L. J., XVI. 666.
- (e) 6 May. Letter to Mathew Johnson, Esq. [the Clerk of the Parliaments], from the Secretary to the Admiralty enclosing, in obedience to an Order of the House,\* four letters from Mr. Quarry, with enclosures.† These are all the complaints that are in the Admiralty Office against governors of foreign colonies or plantations in America: and as the papers are

\* See L. J., XVI. 666.

† A list of these is given in L. J., XVI. 668. *In extenso.*



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originals, it is requested that they may be carefully laid by when the necessary use has been made of them. *Dated* Admiralty Office, 5 May 1701. *Signed* J. Burchett. *Endorsed* as received this day. L. J., XVI. 668. The letters enclosed are as follows:—

(e<sup>1</sup>) 6 May. Letter from Mr. Quarry, dated from Pennsylvania, 20 October 1699; with an enclosed paper containing an address of the inhabitants of Newcastle to the Governor and Council of Pennsylvania, and other matters. *Marked* (1). Received from the Admiralty this day. The papers are as follows:—

Right Honble,

I am very sensible that I have tired your Lordships with my numerous letters, and do presume on your pardon, since nothing but the necessity of his Majesty's service should have made me so presumptuous. I did promise myself the favour of an answer from your Secretary to those several weighty affairs proposed to your Lordships, especially since the nature of them in order to the King's service did require your Lordships' speedy orders and directions, the want of which has been very prejudicial to his Majesty's interest, and very discouraging to me and all others concerned for his Majesty's service in these parts.

I will not presume to trouble your Lordships with a repetition of the several matters laid before your Lordships in my former letters, but I will only take the freedom to mind your Lordships of a few particulars, which I humbly beg your Lordships' speedy orders and directions in; first, concerning the prohibited goods which were seized by the King's Collector and put into the King's store, from whence they were by force and arms taken by order of this Government. The said goods were condemned by a Decree of the Court of Admiralty, but this Government does still, in contempt of the King's authority and your Lordships' commission, refuse to deliver them.

In the next place, I beg your Lordships' directions in relation to two vessels condemned in the Court of Admiralty, the one a sloop belonging to one Moorehead, a Scotch trader, which imported the aforesaid prohibited goods, but was condemned as not qualified according to law, the master being a Frenchman, and on the trial pretended to a denization, but produced nothing to make it appear; the other a vessel belonging to Hull, which was seized for not having a registry, and was condemned on the Acts of the 7th & 8th and the 9th & 10th of his Majesty's reign. They have both appealed for England—lies before your Lordships. They are recommended home to Mr. Penn by this Government, relying on his great interest at Court to have them cleared, and are pleased to threaten me with ruin on the account of damages to be recovered against me; but as I have acted according to the rules of law and justice, so I hope your Lordships will protect me from the malice of these men. The Marshal of the Admiralty, commissioned by your Lordships, is sued by this Government for executing the powers of the said commission, and expects to be taken on execution and thrown into gaol. I have given your Lordships the full state of that matter, and did humbly beg that some speedy order about him, else we must all expect the same fate. I have given your Lordships an account that with much difficulty and danger I did apprehend eight of the pirates, and committed them to the gaols

of Pennsylvania and West Jersey, and could have seized them all if this Government would have given me the least assistance, which they refused to do; nor would they so much as issue out a proclamation against them, but on the contrary these pirates have been aided and assisted by the inhabitants, supplied with necessaries and carried from place to place to prevent their being seized by me and those employed by me; and at last with boats they sent them out of this province to Maryland, Rhode Island and other places to the northward. Those pirates committed to gaol are all at liberty, they walk the streets with their pockets full of gold, and are the constant companions of the chief in the Government. They are pleased to threaten my life and all those that were active with me in apprehending of them. They carry their plunder of East India goods publicly in boats from one place to another for a market, and do threaten the lives of the King's Collectors, and with force and arms do rescue their goods from them, as appears by the enclosed depositions and the copy of the Collector's letter to the Honble. the Commissioners of the Customs. I have also here enclosed a list of all the pirates that came in the New York ship. The favour and encouragement which the pirates find in these Governments of Pennsylvania and the Jerseys, has been of a very fatal consequence to several of his Majesty's subjects, who have had their ships and goods taken and carried away out of this port by their own ship's crew; for those men, which perhaps never designed to do an ill thing, yet coming hither and seeing pirates and murderers at liberty, respected and made the companions of the best, and masters of such great sums of money, it encourages them to turn villains too. I gave your Lordships an account that I had in my custody, (which I had taken from two of the pirates), two thousand pieces of eight, and did desire to receive your Lordships' orders about it. The pirates from whom I took the money have, since they are at liberty, demanded it of me, and resolve to bring their action against me for it, being encouraged thereunto by this Government. I know they will recover against me, so that, if I cannot find some way to delay the business till I can hear from your Lordships, I must return them the money; and, though I have disbursed considerable of my own money, in seizing these pirates, I shall not be allowed one penny. They resolve to bring these pirates to a trial, though there is not so much as an Act passed in the Jerseys for the trial of piracy, nor is there in either Government any evidence for the King, as they have managed it. However the force of gold will do anything here.

I will not tire your Lordships further, but most humbly beg your speedy orders and directions in these matters. I have hitherto done all that was possible for me to do in maintaining the honour of your Lordships' commission, but can go no further without your Lordships' support. All these parts of the world do swarm with pirates. If some speedy and effectual course be not taken, the trade of America will be ruined. I presume your Lordships have had a full account of this from his Majesty's several Governments, and therefore I will not give your Lordships any more trouble, but take leave to subscribe myself, Right Honourable your Lordships' most obedient and humble servant, ROBT. QUARY.

Pennsylvania, this 20th day of October 1699.

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(Enclosure).

No. 1684.

To the Honble. William Markham, Esq., Governor, and the Council of the province of Pennsylvania and county annexed.

We, the inhabitants of the town of Newcastle, present that whereas, on or about the latter end of August in 1698 a company of pirates, to the number of about eighty in a ship, came within the cape of Delaware, went ashore, and plundered the town of Lewis, carrying away what they pleased, and had a design to come up to the town of Newcastle to do the like, but accidentally meeting with a ship in the bay which brought passengers from Holland, whom they forced to furnish them with provisions and other necessaries, otherwise they would have seized her, and likewise since the 20th day of June last the brigantine *Sweepstakes*, belonging to Col. Webb, late Governor of Providence, riding before the town of Newcastle, mounted with six guns, richly loaden, ready the next day to sail for England, was in the night time, by the vessel's company of sailors and others, to the number of thirteen persons, carried away, (four of which vessel's company would not consent to the said pirates, so were set on shore), all which we are very sensible of, and know the greatest encouragement to such attempts has been and is the incapacity we are in to prevent the like, having neither fort, castle, nor breastwork to command any ship or vessel nor militi[a] arms nor ammunition to make use of on any occasion; and it is also manifest unto us that the same unlawful and piratical attempt might be as well put in practice any time of the day (though it be 100 miles up the river) as in the dead of the night, here being no provision to prevent the same, so that both our lives, liberties and estates have hitherto lain open, and still do remain defenceless and void of protection and ever exposed to the will of such merciless wretches, who are a plague to all honest endeavours and continual terror to our peace and tranquillity, which we humbly refer to your considerations, and of right desire that such care may be taken that our lives and estates may not remain in such imminent jeopardy and danger, but that we may be defended as his Majesty's lawful subjects.

Richard Halliwell.

Robert French.

John Donaldson.

James Oats.

Math. Birch.

Jas. Claypoole.

Wessl. Alriely.

Richd. Reynolds.

Peter Godin.

Hipo. Leferor.

Juo. Birk.

Johanns Sarduin.

James Reade.

John, *signum*, J. K. Kolvert.Saul, *signum*, C. P. Barnes.

Benja. Swett.

Robert Dyer.

Joseph Griffin.

Samll. Vans.

Rich. Face.

Silvester Garland.

John Ellis.

Chris. Hussey.

George Lamb.

Roger Wootton.

Pennsylvania, &c. At a Council held at Philadelphia, Die Mercurii 9th August 1699.

Present—

Wm. Markham, Esq., Lieut. Governor.

Samuel Carpenter.

Wm. Byles.

Phin. Pemberton.

David Lloyd.

Caleb Pussey.

The Petition annexed, having been read and considered, it is the opinion of this Board that, whatever encouragement pirates may take by our not having forts and castles, &c., we find that bolder attempts than what is in the Petition mentioned have been made within ports of greater fortitude and strength, even in those places, as we are informed, called the King's Chambers, where ships of war are numerous, and this Board does not understand that the forts of Virginia and Maryland, (which are colonies of long standing and inhabited by persons of great estates, and bring vast revenues to the Crown), are much more formidable than the fort of Newcastle has been, and, if it is now decayed, the inhabitants of that place are accountable for it; and, if this country were able to build castles and forts of great strength, yet if the people are not also able and capable, (as they are not), to maintain such posts, it is the opinion of this Board that it may prove more prejudicial to the King's interest and hazarding to his subjects here than if there be such fortresses; and, as for a militia, it is the opinion of this Board that it is a more proper subject for the consideration of a General Assembly, where the Petitioners might have taken their opportunity to propose it in May last, had they and the rest of the inhabitants of Newcastle county done their duty in electing and sending their representatives to assist and advise the Governor at the said Assembly in things pertaining to the King's service and good and safety of the Government, which they obstinately refused. *Signed*, by Order, PAT. ROBINSON, Secy.

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A list of the men's names that came passengers from Madagascar in Capt. Shelley:—

Charles Battin.	Thomas Davis.
John Brown, Senr.	John Lehorn.
Jno. Brown, Junr.	Jno. Finlay.
John Broadgate.	Wm. Rowles.
Thomas Clay.	John Martin.
Morgan Parris.	John Demarke.
Richd. Plumley.	Arch. Bohamane.
James Roane.	Tho. Symes.
John Blockley.	Francis Chandler.
Wm. Church.	Jno. Brent.
Josiah Dehone.	

with several others, were put ashore by Shelley, at Keyan, for which he received 5,000 pieces of eight.

James Howe.	Daniel Dowley.
Nicholas Churchell.	Samuel King.
Wm. Wardell.	Thomas Casey, Port Dolphin.
Henry Sowe.	Robert Hickman, St. Mary's.
Darby Mullers.	Joseph Palmer.
James Halstead.	Richd. Greenalle.
Peter Prowke.	Jacob Conckley.

All these went ashore at Cape May, besides several others that he remembers not.

John Eldredge.	Robt. Bradinghame.
Wm. Stanton.	Sym. Arnold.

These went up to Pennsylvania and are taken;



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Robert English, Henry Glover, went on board a brigantine to Bristol;

Christopher Garason, Peter Rewell, went on board Capt. Byrd to London;

John Spence went on board Capt. Yokeley for London;

All these came in Gravenred's sloop to the capes of Virginia, and went on board two brigantines and Capt. Yokeley for England.

Paul Swain.

Edward Buckmaster.

Jno. Allian Evins.

Arthur Vintaine.

All these went with Capt. Shelley in his ship to New York.

The deposition of Jacob Boditt, ship carpenter, aged 33 years, who, being duly sworn on the Holy Evangelist, says:—

That on the 26th day of July instant he was desired and required by Math. Birch, Esq., his Majesty's Collector of Newcastle in the Government of Pennsylvania, to go with him in his boats to seize some pirates and their goods, which he, the said Birch, had advice (as he says) were coming up from Cape May in a boat, and that he, this Deponent, seeing a boat on the other side the bay, and concluding it to be the said pirates, he, this Deponent, together with the said Birch, Harman Peterson and James Hunt went in a boat in pursuit of the said pirates, and clapped them on board, who were one James How, one of the pirates which were committed in the Government of West Jersey, and one other of the said pirates, who owned that he was boatswain of the pirates' ship, and also one James Macomb, one Edward Robinson and one James Minis, John Hewes and Thomas Rogers. This Deponent further says that the King's Collector did require the several persons in the said boat to aid and assist him in seizing the said pirates and their goods and money then in the boat, which they promised at first for to do; but after a little time one of the said pirates and the said Minis demanded of the King's Collector where he would have them go, to which he answered, To the port of Newcastle, which was about a mile off; to which they replied, You shall be damned first; upon which they bore away, and set over again to the eastern shore. Then they took arms, and James How swore, Damn him he would have the blood of the first man that came on board; which sword was handed to him by Mr. Minis; and Mr. Robinson said he could not hinder their tide; and for what money they had on board, it belonged to Mr. Boreland, of Boston, and so charged us; and Mr. Minis, How and the other privateers bade us keep off or they would stave out our brains with stones, How having a drawn sword in his hand. Hereupon we would not search them, but saw them land on the eastern shore and carry great weights, which they said was of money, on their shoulders, and came down to the water's side again with threatening language, and went away with "Your humble servant, Mr. Collector; Good-bye to you." To which truth of the said deposition the said Jacob Boditt, Harman Peterson and James Hunt, being all present in the boat, do take their oaths on the Holy Evangelists.

JACOB BODITT.

JAMES HUNT.

HARMAN PETERSON.

Newcastle, July the 27th, in the Government of Pennsylvania,  
before me, Richard Halliwell, Justice.

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A true copy of the original.

That the within-mentioned persons were all with me in following the said boats, and that it's all truth in my own observation, but I did not see the sword in Mr. Minis his hand, is attested per me under my hand this 27th of July 1699.

MATH. BIRCHE.

A true copy examined by me and compared with the original.

RICHD. HALLIWELL, Justice.

Newcastle, Delaware,  
the 17th August 1699.

May it please your Honours,

On the 27th of July I gave account of pirates, goods and names of the persons that run by this town and resisted my seizure, and forcibly landed their goods and moneys on the eastern shore. By Col. Quarry's assistance, who is active for his Majesty's interest, I have gone as far as I can to prosecute John Minis, James Macomb and Edward Robinson, which my last described. The Governor and Council, with no small indignation, sent for me to Philadelphia, and, with their best contrivances, endeavoured to elude the power and force of the Acts; but I desired justice, and accordingly held Minis and Macomb and Robinson to bail to answer at the quarter sessions at Newcastle. The issue thereof puts me to a stand, were it not matter of fact, being regularly prepared by an eminent lawyer, Mr. Moore; the grand jury, not one could write his name save the foreman, [a] Scotch merchant sent down from Philadelphia to that end, a[t] once they brought in a Non est inventus, instead of [an] Ignoramus, but quashed the Bill of Indictment for the King, though I swore I was resisted in the due execution of my office, as you will see by the evidence from Col. Quarry, upon this Minis, Macomb and Robinson appeared, no Bill being found against them, which if it had, they had been still cleared, there coming from the Governor no recognizance against them in this Court; so that no measures I can take prove effectual amongst non-jurat Quakers and ill affected Scotchmen. The greatest pretence of both is their complete entrance and clearance at Philadelphia, without regard to or value of my survey or inspection, so that I fear the account of this river must decay, this port lost or made unserviceable, while these men flourish, it being the key of this river and so much in their way. But I have given your Honours such large accounts of these things, that this may be tautology. I wait your commands and am

Your obedient servant,

MATH. BIRCHE.

(e<sup>2</sup>) 6 May. Letter from Mr. Quarry. *Marked* No. 2, with two enclosures brought in this day, as follows:—

Right Honble.,

I received a letter from your Secretary, dated the 4th of August, wherein he was pleased to acquaint me that my several letters [had been] received and laid before your Lordships, and that



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you had made a representation of what your Lordships thought fit to their Excellencies the Lords Justices and the Secretary of State, the result of which in a little time will show. Had I received the favour of Mr. Burchett's letter sooner, it would have prevented my troubling your Lordships so often as I have done.

I do humbly beg the favour to acquaint your Lordships that, as I have hitherto from time to time given a just, true and faithful account of all matters anyways relating to the King's service transacted in this Government, so likewise the same principle of justice and honour does oblige me to give your Lordships this following account:—

That Governor Penn is now arrived here. His coming has made a great change and alteration in all affairs of this Government. He is so far from justifying what has been done in this Government, that he has shown his resentment and abhorrence of all. He has given assurance to all the King's Officers of his favour to them in all matters relating to the King's service, and to make restitution and satisfaction for all injuries and abuses; and that his intentions are real appears by the measures which he has already taken. In the first place he has laid aside the Lieut.-Governor Markham, and Anthony Morris, the Justice that signed the warrant for taking the goods under seizure forcibly out of the King's store. He promises also that the said goods or the value of their appraisement shall be returned into the jurisdiction of the Admiralty. He has ordered the prize goods that were detained by the Lieut.-Governor to be delivered into the Admiralty. He has turned out the sheriff of this county for the escape of one of the pirates, and designs to prosecute him for it. The other pirates are kept in close confinement ever since his arrival here. He has taken up all the old pirates that have been here some years before that great rogue Every's crew, and has forced them to give security to answer whatever shall be laid to their charge in a year's time. What remains still to be done, he promises shall be effectually performed in a little time, of which your Lordships shall have a perfect account. I am sure no consideration whatever shall make me fail in my duty to your Lordships or unjust to my trust. I am further to acquaint your Lordships that Governor Penn did lately call an Assembly on purpose to pass two Acts, the one concerning pirates, the other for the better regulation of trade. A copy of both I have here sent. Your Lordships will find them very different from their former Acts, and with due execution will be of use to the ends designed. I must do Mr. Penn the justice to say that he is very zealous in promoting all things that do anyways concern the King's interest. Thus I have given your Lordships a true and impartial account of the present state of affairs here, and I do most heartily wish that I may not be forced any more to tire your Lordships with repeated complaints, which I am sure is not easy or grateful to me.

I will be very punctual in giving your Lordships constant advice of what pirates shall arrive in these parts, and what else may be worth your notice, nor shall my endeavours be wanting to apprehend such villains and bring them to justice.

Notwithstanding I had no aid or assistance from this Government, but all the discouragement possible, yet I made a shift to seize eight of the pirates. Two of them I brought to the

gaol of this place, and secured their money in the Lieut.-Governor's hands, but it is now in Governor Penn's. The rest of them I committed to the gaol of West Jersey; but they had time enough to hide their money at Cape May and send off their goods in boats, except what I seized on board a sloop in the bay with two of the pirates. I do assure your Lordships that the seizing these pirates was a great charge to me for men, shallop and boats, besides the hazard of my life, which I hope your Lordships will please to consider, and be a means that I may be reimbursed out of the money in my hands. Had there been a small vessel of force here, or that this Government would have given me any assistance, I could have apprehended with ease all the pirates and their estates, to the value of more than 30,000*l.*, besides the New York ship, Captain Shelley, that brought them all in hither from Madagascar. It troubles me that so brave an occasion should be lost, but it's past, and not to be retrieved. I have enclosed a copy of the said Captain Shelley's letter from Cape May, (one of the capes that makes the bay), to one of his owners, a merchant in New York, by which your Lordships will see the design of the voyage, what goods was on the owners' account, how they bought them, the number of the pirates he brought with him, and how they were disposed of. There is no mention made of their estates, either in money or goods. The account of that was not consistent with Shelley's interest. Your Lordships may see that the capes of this Government is the only place they first make, and that there is care taken to have sloops ready here to meet them, to unload and secure the goods, so that for this reason, besides many others contained in the enclosed memorial, I presume your Lordships will think it for the King's service that a small vessel be ordered for this bay.

I do most humbly desire your Lordships' opinion and directions in this point, whether, after a Decree and Judgment of your Court of Admiralty here on the Acts of Trade and Navigation, your Judge of the Admiralty in England ought to grant an inhibition, for if the Cause should be carried for England, it cannot be tried in the Admiralty there, though, by the Act of the 7th and 8th of his Majesty's reign, all Causes arising from those Acts are made triable in the Courts of Admiralty in the plantations.

I know your Lordships have reserved in your commission to me an appeal to yourselves, but whether your Lordships do design that it shall extend to all Causes whatsoever, as well what is not cognizable in the Admiralty in England as what is, I do most humbly desire to know, it being a case that happened here lately. Amongst other matters, here was a sloop condemned for not being navigated according to law. The party concerned writes home to his friend in London, who applies himself to the Admiralty and gets an inhibition, which was sent over hither. I thought it strange, but was resolved to submit to it, and state the matter home to your Lordships. However, the party, that had been at the charge of sending for't was advised not to make use of the inhibition, but submitted to the Judgment of the Court [of] Admiralty here. However, the same Cause may happen again, and, therefore, [I] am willing to have your Lordships' directions in cases of that nature, which I humbly beg I may have by the first.

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I am obliged to acquaint your Lordships that several lawyers of England have given it under their hands that, by the 7th and 8th of his Majesty's reign, there ought to be juries for the trial of all Causes in the Admiralty Court in the plantations. For my own part, I can never believe that the Parliament, instead of enlarging the powers of the Admiralty, could ever design to alter and change the very being and constitution of the Admiralty by introducing juries. Besides, the very reason why the Parliament enlarged the powers of the Admiralty jurisdiction in these parts, was for that the King could not have justice in the ordinary Courts of the Governments in America, and to have juries in the Admiralty Court could no ways remedy that evil. I do hope that the Parliament will please to explain that dark, contradictory Act, not only in that particular, but in several other points, and that the authority of the Admiralty will be asserted beyond all objections and contradiction.

I am forced to acquaint your Lordships that Mr. Randolph was very much to blame in his nomination of the officers of this Court. One lives more than 100 miles from this place, and the other is [a] perfect sot. I am forced in some cases to be Marshal and Register, else all things must be in confusion. It's true that your Lordships have lodged a power in the Governor of Maryland, in case of vacancy, to supply officers; but he has not power to supersede any of your Lordships' commissions. It makes things very uneasy to me that I have not officers joined with me that are men fit to serve the King. I hope your Lordships will please to consider of't, and lodge a power somewhere that may answer the end proposed. I will not presume to take up more of your Lordships' time, only that you will please to peruse and consider the enclosed memorial, it being a copy of what I have now sent to the Honble. the Commissioners of the Customs. Your Lordships will find some things worth your Lordships' notice, in order to the King's service, which is all the further trouble you shall now receive from, Right Honble. your Lordships' most faithful and obedient servant, ROBT. QUARY. Philadelphia, the 6th day of March  $\frac{1699}{1700}$ .

Received and read the 14th June 1700.

(Enclosure 1.)

Some remarks on the trade of these parts, with a true account of several grand abuses in trade, and the proper remedies, humbly presented to the Honble the Commissioners of his Majesty's Customs.

In the first place I am to acquaint your Honours that the Madagascar trade is the only voyage now thought of in these parts of the world for the getting of money. The merchants of New York have gotten estates by that and the Curesaw [Curaçao?] trade. There are three ships expected every day from Madagascar, belonging to New York. They are ordered to make the capes of this Government where there are sloops now waiting their coming to unload them, and run all the goods. There are several more ships fitting out from New York and other places to the northward. The manner of their voyage is this, they

carry a suitable cargo to the Madeiras and there they take in a loading of wine and brandy and thence directly to Madagascar, where they meet the pirates and purchase their plunder on very easy terms, as your Honours may see by Capt. Shelley's letter. From thence they come back hither, where they have all the security in the world to land their goods, or secure them on board the sloops that wait their coming, and all shall be secure and done before the man-of-war at New York can hear of their being come. Whereas, if there were a small vessel of force in this bay, I could put a stop to this illegal trade, or forfeit my life, provided the commander be not, (as they generally are who command the King's vessels), above taking advice and directions.

2ndly. I am obliged to acquaint your Honours that I have spent much thought and time to find out the reason of the great quantities of tobacco which for these three or four years last past have been carried to Barbados from this place, Virginia, Maryland and New York. I found that the consumption of that commodity in Barbados is not so much as formerly it used to be, and the quantity shipped thither is almost ten times more. But at last by discoursing [with] abundance of masters of ships, merchants, seamen and others, I found out the intrigue and mystery of it, which is this:—When the tobacco is landed there, they repack it; some into boxes, casks and other convenient stowage, and some in bulk, and so send it to England and Ireland. The conveniency of its package makes it very easy to run, especially since your officers do not expect tobacco on board Barbados ships; and the saving of duty makes it a far better trade than any commodity they can carry from Barbados. There is a great deal also sent from that island, as shipping offers, to the Dutch settlements. A great part of this evil may be prevented by the active diligence of the officers there and elsewhere.

3rdly. The next thing I will offer to your Honours' consideration, is the present state of this province. It grows very populous and the people are generally very laborious and industrious. They have improved tillage to that degree, that they have made bread, flour and beer a drug in all the markets in the West Indies; so that finding that trade overdone, they resolve to go on with the planting of tobacco. In the three upper counties, where never any was planted as yet, the land is very proper for it, and will produce very bright tobacco. The number of the people and their industry will produce vast quantities. They find the necessity of going upon this commodity, for they have no other way of making returns home for England; the want of which makes this place at present very miserable. I am sure there is more than six times the value of goods imported than is exported, which is the reason that the money is carried away. I can assure your Honours that it will be as much for the King's interest to secure the trade of this bay as that of Maryland, and in a little time they will vie with that Government.

4thly. I must acquaint your Honours that there is four times the quantity of tobacco made in this country this last year than ever was made in one year before, all which is engrossed by the Scotch—as almost all other trade here is—they give such extravagant rates that I am sure no person that designs to trade fairly can give; not less than double the price of what

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is given in Maryland, though the tobacco of this place is not near so good. They carry on a constant trade from Curesaw hither: about a month ago came in a vessel from thence belonging to several Scotch merchants which brought in abundance of linen and other dry goods of the manufactory of Holland. They ran them all ashore at a place a little below Newcastle called Bumbo Hook. I had an account of the particular package of all the goods. The business is now publicly known. I do not mention this particular by way of complaint against the Government, or the officers, for there are so many conveniences for the running of goods that it is impossible to prevent it, let the Government make what laws they can and the officers be never so diligent in the execution of them: there is no way to secure the trade of this bay but by a small vessel. I should be very unwilling to propose anything to your Honours that might put the King to charge; but this is a thing of absolute necessity. A very small vessel of four guns and 15 or 20 brisk men would effectually answer the end, as well as a Fourth-rate ship, and, in many respects, much better. I did formerly propose the finding such a vessel and to victual and man, but I am very sensible that the Rt. Hon. the Lords of the Admiralty will not go out of their usual methods, so will not mention it any more. Such a vessel would effectually answer all ends of the securing the trade of this bay, both also as to the importation, and also would prevent the carrying off the tobacco from the lower counties after they have cleared their ships with the Collectors, which is a thing constantly practised.

5thly. I must let your Honours know that there has been a most pernicious trade carried on betwixt this bay and New York, by several vessels for above twelve years together: but now especially by one Graverard, a Dutchman, of New York, the manner is thus:—He does constantly carry goods betwixt this place and New York and generally enters some small quantity of tobacco. When he has despatched, he then takes in his loading, which lays ready for him at some convenient place in the bay, and away he goes. When he comes near Sandy Hook, he puts on shore all the tobacco, except what he has a cocquet for, at a small Dutch village and then goes up to the city and unloads. If it happen that any vessels are ready to sail for Surinam, Curesaw or Newfoundland, then they touch and take in the tobacco which lays ready for them in their way. If no vessel be ready, then the wood-boats take in the tobacco under their wood and carry it up to [New] York. The boats lie in a convenient place, and in the night it is landed and re packed for the next opportunity of shipping off. So this roguish trade has been and is still carried on to this very day, to the King's great damage. I have had the particular account of this trade from one who sailed several years with this Graverard, it is now no secret to any one. I had likely to have taken this man in the bay; he had got six of the pirates on board his sloop, with their estates, to carry them to the capes of Virginia; he made a shift to get clear of me however. I sent away an express on horseback to the Governors of Virginia and Maryland; he got to Governor Blakistone time to seize him with his sloop and one of the pirates; the rest he had set on board several ships then ready to sail for England. The sloop and loading, with all

his ill-gotten goods from the pirates, were condemned, which has squeezed the rogue pretty well. But he is upon the old trade again. Were there a vessel here fit for the purpose, I would quickly spoil his trade, but without a vessel it is impossible to be done.

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6thly. I am sure it is needless to tell your Honours that there has been abundance of East India goods brought into all the Governments on this main, more especially to the northward of this place, by pirates and other illegal traders, for above three years past. The business of all persons concerned in those goods is to convey them from the port where they were landed to some other place, which is usually done by packing them up, so as they may pass for other goods. There has been great quantities brought from the northward to this place, and may be landed at our public wharf without the least notice taken of it. I am very well assured that there has not been one cask or bale "pers'd" or searched these two years; the doing of which would be of great service, not only to prevent all illegal trade of importation, but would also prevent the shipping off of abundance of cut tobacco and leaf tobacco, pressed into flour and bread casks, which has been much practised here and is continued to this day. I do not design by this to put too great a hardship on the officers. If your Honours think it will be too hard on them, then I am sure you will allow them a man to do the work of it under their inspection and view. I do assure your Honours that the due performance of this will be of great service, and is humbly submitted to your Honours' consideration.

7thly. Your Honours were very much misinformed by Mr. Randolph in placing a Collector at Burlington, in West Jersey; it is a place that lies 20 miles above Philadelphia, where never any vessel loads or unloads; there cannot be so much as a colour or pretence for an officer being there, as your Honours may be informed, by any person who knows the place; but there are several other places in that Government where that officer may do the King good service, as in particular at Cape May. Had he been there this summer he might have seized 20,000*l.* worth of East India goods, which was landed there by the pirates, and from thence dispersed. There is also a place called Cohanzey, and another called Salem where many vessels trade from Boston and other Governments to the northward, and much illegal trade carried on, especially the tobacco trade. The removing this officer where he can do service may be worth your Honours' thought.

8thly. The next thing that I am obliged to lay before your Honours is the great abuse in that part of the King's revenue, the penny per pound on the tobacco shipped to the plantations. They have gotten a way to press into a hogshead of tobacco a thousand weight. The tobacco of this province at present will endure such pressing without injury. This hogshead they enter for 400 [4 cwt.], and pay duty for no more. But this [is] not the worst, for the merchants do order a sort of cask to be made, which they call barrels, in which they press betwixt 6 and 700 weight [6 and 7 cwt.] and enter them but for two hundreds [2 cwt.]; and, which is worse, they will frequently crop the chimes of a hogshead and enter them for barrels and pay the King but for 200 weight [2 cwt.] when really there is 8 or 900 weight [8 or 9 cwt.] in the cask. This great mischief and abuse



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proceeds from hence. The Collectors are striving and vieing with one another who shall receive most of the money for the duty of the tobacco; the merchants make their advantage of this and accordingly they manage, for they will [go] to one of them and tell him that, unless he will give them such an encouragement, they will go and enter with the other, who will accept of their terms, and then rather than they shall go, he agrees. And now at last they have brought the Collectors to this pass that they give the merchants certificates for so many hogsheads and barrels of tobacco entered, without mentioning any weight at all. The reason of this proceeded from hence. The officers in Barbados, finding such unreasonable great casks entered here but for 200 weight [2 cwt.] and the biggest hoghead at most but 400 weight [4 cwt.], having weighed many of them, and so forced the merchants to a post entry, and therefore to prevent that ill conveniency, they have prevailed with the Collectors here to give them certificates for the several casks, without mentioning any weight at all, so that upon the whole matter, the King is cheated more than two thirds of his duty of all the tobacco that is shipped off to Barbados and the rest of the markets in America. I took the opportunity of this juncture of time that Governor Penn is very zealous and willing to do all things for promoting the King's interest in this Government, and proposed it to him the inserting several useful clauses in the new Act. Amongst the rest, there is one that all tobacco shipped off to the plantations shall be weighed, and entered according to the weight, but this will be to no purpose unless it be put into execution, as I very well know it will not. I do assure your Honours that the good management of this affair will be of great service to the King, not only in relation to the penny per pound duty, but in preventing such great quantities of tobacco from going hence for Barbados, since there is such a pernicious trade carried on with it.

I am obliged also to inform your Honours that the King is very much abused in the payment of this duty, for formerly the p[ie]ce of eight of 17 dwt. did pass in this province but for 6 st[erling], and then the merchant allowed the King 25*l.* per cent. over and above the current money of the country to make it sterling money, but since that time, about two years ago, they have raised the p[ie]ce of eight of 17 dwt. to 7 per 8, which makes it more than 55*l.* per cent. worse than sterling, and yet the Collectors have but 25*l.* per cent. allowed now, so that you will find that the King must lose on all the money received here 30*l.* per cent., which is very considerable.

All which is most humbly submitted to your Honours' consideration by ROBT. QUARY.

Philadelphia, 6 March 1699-1700.

(Enclosure 2.)

Copy of letter from Capt. Shelley to his owner in New York, as follows:—

Sir,

Cape,  
27 May 1699.

I am just now come to anchor at Cape May. Since I left you I went to Cape Bon-Esperance, from thence I went to St. Marie's on Madagascar. There I sold your goods for 17 bales of

muslin, fine and coarse, and 24 bales of white calicoes, one ton of elephants' teeth, about 2 or 3 cwt. of opium, one bale of painted calicoes, &c., which goods I have on board. Sometime afterwards I took on board 75 passengers, and went to Port Dolphin. There 24 went on shore. I victualled the ship and bought a few negroes and some pigs of tooth and egg. From thence I went to Kyan, and landed 22 passengers. The remainder are now on board, and most of them design for Virginia and the Hore Kills, with Andrew Graverard, who is here with us. I have for their passage, &c., about 12,000 pieces of eight and about 3,000 Lyon dollars. I hear Mr. Godfrey is not here by Mr. Graverard, and that there is no man-of-war at New York. I expect to meet no letter here from you, which, if I do, I shall follow your order; otherwise design for Sandy-hook, where I shall expect your diligence and care for securing the goods, &c. My earpenter, the tailor, and one man more is dead. Thomas Pringle and three men more left me at Madagascar. If you think fit you may acquaint my wife of my arrival, for I have not writ to her. Edward Buckmaster is on board here. Captain Burges arrived at St. Marie's that day I sailed from thence. I have but 23 negroes on board for account of the owners. Each bale of muslin, one with another, I bought for 100 pieces in bale, the calicoes for 120 pieees in bale. I desire you to send by the bearer to me to Cape May, if I should be stopped by contrary winds here; otherwise I shall be very soon at Sandy-hook. Our ship is very foul and leaky. Make what despatch you can, for fear some of our passengers should discover us. I have hindered Mr. Graverard on his voyage to Virginia, to pilot us in here, it being a dangerous place, and very foggy rainy weather, for which I must pay him. I think it needless to enlarge any more at present, but wish all was safe on shore; then doubt not but the voyage would prove to content, which has been the utmost care of, Sir, your most humble servant, GILES SHELLEY.

For Mr. Stephen Delaney, or, in his absence, to Mr. John Barbarie, merchant, in New York.

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(e<sup>3</sup>) 6 May. Letter from Mr. Quarry, of 14 Nov. 1700. *Marked* No. 3, with three enclosures, received from the Admiralty this day. The papers are as follows:—

Philadelphia, 14th Novbr. 1700.

Right Honble.,

I am favoured with a letter from your Secretary of the 28th of June, wherein he is pleased to acquaint me that mine of the 5th of March was laid before your Lordships [and that you] were pleased so far as to honour me as to take notice of my small services, and to promise that I shall be reimbursed the charges that I have been at in seizing the pirates. I have received also Sir Charles Hedges's opinion in answer to those queries which I took the freedom to state to your Lordships. I could wish Sir Charles had been more particular in his answer. The reason why I gave your Lordships that trouble was this: About two years since there was a vessel condemned here on the Acts of Trade and Navigation, belonging to some Scotch merchants.



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They appealed to the High Court of Admiralty, and brought an inhibition under the Seal of the Admiralty. As soon as they produced it to me, I ordered that a copy of the records should be drawn and sent home. They thought that this would have frightened and awed me into a compliance with them. When they saw it would not, they came and told me they would not prosecute the Appeal, but submit to the Decree of this Court, which accordingly they did. I very well know that these Scotch merchants were full of prejudice against the Admiralty jurisdiction, and had threatened what a great interest they could make in England against it, which made me conclude that their declining the Appeal proceeded from their having taken wrong steps, and, therefore, knowing my own weakness and inability, I thought it convenient to send for England and have the advice of learned men, both of the Civil and Common Law, in several matters which do occur in your Lordships' Court here, which accordingly I did; and, amongst many other things, they have given it under their hands that the Parliament have invested the Admiralty Court in the plantations with more ample power than they have given to the Court in England; for, by the Act of the 7th and 8th, &c., all Causes arising from the Acts of Trade, &c., particularly by that Act, shall be tried in the Court of Admiralty held in the respective plantations, (thereby made local), but in England in Westminster Hall; that they conceive no appeal lies on those occasions to the High Court of Admiralty in England, because that Court cannot take cognizance of them; but, as soon as the Admiralty proceeded therein upon motion, a prohibition would be granted, and thereby the Admiralty stripped of her jurisdiction, and the matter brought *ad aliud examen*, &c. I have not so much vanity as to pretend to judge of this opinion. Perhaps they are mistaken, and that Sir Charles Hedges is in the right. However, I thought it was a sufficient warrant for me to state the matter to your Lordships, and to expect your directions, though by so doing I find I have been so unfortunate as to disoblige Sir Charles, which will appear to your Lordships by what I am now to acquaint you. Upwards of a year and a half ago here was a ship seized by the King's Officer, belonging to Hull, one John Lumby, master. The libel and information was grounded on the 7th, 8th, 9th, and 10th of his Majesty's reign, as not qualified, having no register. A Court of Admiralty was appointed on the petition of the master, where he appeared with his Counsel, and all the Quaker magistrates of this place, not out of kindness to the man or his Cause, but [through] prejudice to the jurisdiction of the Admiralty. The issue lay in a narrow compass. The King's Advocate insisted on the Statute, which positively requires an attested copy of the registry. He did also make it appear that it was the true intent and meaning of the Parliament, which he instanced in the case of those many ships from Maryland and Virginia, of so great a value to the King, which, having omitted to register, as the law requires, though in all respects duly qualified, (having no other remedy), were forced to petition the Parliament for redress; who were pleased to make another Act in favour of them, not by altering any of their former Acts, but adding 9 months more to the time; and they were pleased to make this the reason, that for the future there should be no further pretence; and, therefore, that now the 9 months are

long since expired; no pretence or excuse ought to be allowed or admitted. This was the substance of what he said. On the other side the Counsel for the master did urge very fully the equity of his Cause. He urged that the ship was built at Hull, that her owners were English, and that she was navigated according to law, and so had answered the end of the law: to which the King's Advocate replied that the former Acts of Trade and Navigation had sufficiently secured all those points, but that notwithstanding all that, yet the Parliament thought fit to require this further qualification and security, that all ships should be registered in such manner and form, and that the master of every ship should have such a register for the security of her navigation, under the penalty of being deemed and reputed as a foreign bottom, and to be condemned and forfeited as such. That the Parliament had given notice, two years before the Act took place, that no person should plead ignorance or be surprised. After a full hearing what could be said on both sides, and a due consideration of the law and the obligation of my oath, I concluded myself under a necessity of condemning the ship, or of being perjured, having sworn to judge according to law; but, however, that your Lordships may see how great a regard I had to the equity of the Cause, I did [*? not*] immediately order the sale of the ship and goods, and dispose of it as the law directs, (as I might and ought to have done), but ordered the goods into the King's store, and left the ship to the master's care, that the merchant or owner might try if they could get any redress at home. In order to which the merchant went directly for England, and, 8 or 9 months after, he writ several letters to his friends here, which he showed me, wherein he tells that the merchants and owners had done all they could, but had no hopes of recovering the ship and goods. However, I continued the goods above a year, and then, upon the Marshal's return that a great deal of the goods was rotten, having been damaged on board the ship, I did order the goods to be viewed and appraised by three substantial honest men, and to be disposed of as the law directed, one third to his Majesty, one third to the Governor and one third to the prosecutor. The master desired me that I would defer the sale of the ship till he could hear further from his owners, which I accordingly did, and have retarded it for above a year and a half. All the return I have for this kindness is to be abused and railed at. About 4 months ago [*? the master*] came to me, and desired me to stand his friend in assisting him, that he might purchase his ship again on easy terms, which I promised him to do, and went to the Governor, who was pleased to say that he should have his third. I likewise prevailed with the prosecutor, who promised to let him have his share for a very small matter. I added further that [*I*] would write on his behalf to the Honble. the Commissioners of the Customs who, I did hope, would find a way to get the King's part remitted, and then he might have had his ship again, with all the officer's fees, for less than 80*l.*, though worth a great deal more. He seemed very glad and thankful, and had fixed the time for perfecting the sale, and had secured a freight home; but, as soon as the Quakers heard of it, they told him that he would be ruined for ever if he bought the ship, and that all the damage would light on him; and at last they prevailed on him, he being a very weak, silly man, and his

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chief lawyer being a Quaker, by assuring him that they would find a way to get his ship for him without any charge; so here was an end of his agreement. For had he got his ship on these easy terms and gone home, they had lost their end, which was to raise all the clamour they could against the Admiralty, and not to be seen in it themselves but to make use of other people; which they have so effectually done that, after more than a year and a half being past since the trial and condemnation of the ship, there is an inhibition granted from the High Court of Admiralty, with extraordinary powers of the first impression in America, empowering these very Scotchmen before mentioned to execute the same. They hitherto secrete the inhibitions from me, to obstruct my making my application to your Lordships by this opportunity. I cannot believe Sir Charles Hedges could know the circumstances of these men. If he had, I am sure he would not have appointed them commissioners; but I hope your Lordships will please from thence to observe that all this clamour and intrigue is carried on in masquerade by the inveterate enemies of the Admiralty jurisdiction. I am no stranger to the measures they have taken, the end they propose and the interest they have made use of, and will quickly find a way to unmask them. I do humbly beg of your Lordships' patience to lay before you the effect which this extraordinary inhibition or commission has already produced, and what the consequence of it will be. They have already raised all the reflections and affronts they could devise on the King's Advocate and myself, giving out that we were sent for to England and there to be fined to our ruin; that whatever we have or shall do will be made void at home. But all this noise made no impression on me, nor did I take any notice of it till I found they had prevailed on Governor Penn so far as to make him violate that solemn promise which he was pleased to give me and so often confirmed, viz., that he would not in the least invade the rights and jurisdiction of the Admiralty, but that I should exercise all the powers of your Lordships' commission, though he thought there was some things that bore hard on him; however, he would content himself with a representation of it to your Lordships, and expect your opinion and directions in the matter. I gave your Lordships an account of this in my former, but now his friends have so far prevailed on him that, without any regard to this province, he has lately granted commissions to all the sheriffs of the counties, (a copy of which, with the Decree, I have here enclosed to your Lordships), by which you will see that in effect he has broke into the jurisdiction of the Admiralty and invaded almost all its powers. I have discoursed [with] him about it, who is pleased to assert it as his right, and that the Admiralty has no jurisdiction in the river within the body of the county; so that consequently, if I must not execute the powers of your Lordships' commission within the body of the county, then I must go out of the capes, which is out of this province and that of West Jersey, and beyond my commission. I am empowered to act within these provinces, but have no power to act without them. I was extremely surprised to hear this doctrine from Governor Penn after so many promises to the contrary, and after I had done him the justice or [? of] representing all matters home to your Lordships as much to his advantage as I could. All the discourse of the

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country is that the Admiralty Court is taken from this province, and that Governor Penn has appointed officers to execute the powers of that Court. For my own part, I have charity enough to believe that Governor Penn would never have taken these measures were he not under a necessity of complying with his Quaker friends, especially at this juncture, when they are sitting in Assembly, and he expects considerable supplies from them. I know the temper of these men so very well that I am sure they will not part with their money unless they can govern as they please, so that Governor Penn is reduced to this great strait, if he complies with his friends here then he must violate all his promises which he has made at home for the supporting of the King's authority in his Government, and if he does not comply with them, then he must not expect money from them. I do heartily wish that silence in this case were consistent with my duty and the trust which your Lordships have reposed in me. I am sure it would be more satisfactory than to complain. I have a great regard for Mr. Penn, and have not been wanting in my due respects to him; but I cannot, without betraying your Lordships, omit the representation of these matters. I will beg leave farther to remind your Lordships that there ought to be no time lost in re-establishing the King's authority and your Lordships' power in this Government. The proper methods for effecting it is humbly submitted to your Lordships' wisdom, and the effects these measures will have in the neighbouring colonies to the discouragement of the Admiralty, (which is so much relied on to secure the King's interest), is recommended to your Lordships' thoughts. I have nothing farther to add to your Lordships in relation to the inhibition but to desire that you will please to order that the King's Advocate and Counsel may attend this cause to defend his Majesty's interest and stop the reversal of this Decree. I could wish that Sir Charles Hedges had been pleased to have heard what I could say before he had granted such an extraordinary inhibition. I am very well satisfied that I have decreed according to law, and, if I have made any wrong step, it is the law that has misguided me. I hope Sir Charles will be pleased for the future to give such rules and directions as may make us safe in what we do, or send over from England a person that is well read in the law and in all respects duly qualified for the discharge of this difficult place. His Excellency Governor Nicholson very well knew that I did not pretend to the law, which was the argument that I made use of to excuse my executing the powers of your Lordships' commission. However, he was not pleased to allow of any excuse, but laid his commands on me, telling me that my reputation and zeal for the King's service would supply all my other deficiencies. I could not refuse anything to a person for whom I have so great a love and honour, for I am sure that he designed the King's service, without involving me or the Advocate into any ill conveniency, and I do not question but that your Lordships will do us justice and not suffer the malicious underhand contrivances of our enemies to take place. I have no favour to ask of them, being fully satisfied in my own conscience that I have, in all matters that ever came before me, judged and decreed betwixt the King and his subjects according to law and justice. I am sure no man in America ever took more pains to serve his Majesty than I have, and perhaps with as



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good success, especially considering what a sort of perverse people I have had to struggle with. I should not have found the effects of their malice, could they have frightened or wheedled me from my duty, and, whenever I quit the King's service, I shall have their favour as much as any man if I valued it. Your Secretary was pleased to acquaint me that your Lordships had under your consideration the sending a small vessel for the security of this place in respect of trade and pirates. There never was more occasion than now, for all the tobacco of this province is engrossed by the Scotch merchants, and at such rates that I am sure none that designs a fair trade can afford to give it, and the Curesaw trade is carried on more than ever. In my former I gave your Lordships an account that I had seized and condemned a vessel belonging to the Scotch, but all the goods were safely landed first. I expect that they will bring an inhibition on that Decree, though the master of the vessel was an evidence against her; they tell me plainly that they do not value what is done in your Lordships' Court of Admiralty here, for they can have it all reversed in England. About ten days since arrived another vessel from Curesaw, with abundance of iron, claret wine and all other sorts of lining manufactory in so great a quantity that it is sold here as cheap as they can be bought in England, which is a very great discouragement to all fair traders, nor is it possible to prevent this evil without a small vessel, as I have formerly demonstrated to your Lordships. I am now in a hot pursuit after a discovery of this business, but do find all persons so very cold and unwilling to concern themselves, that I must do all myself, or nothing will be effected. I hope your Lordships will pardon me, if I say that hitherto I have had little encouragement, having served his Majesty these three years at my own cost and charge. I am sure it has cost me a great deal of time, money, labour and hazard, which I am confident your Lordships will please to consider in due time. Indulge me yet further to acquaint your Lordships that, since the account of those inhibitions, the magistrate[s] interfere in most of the maritime affair[s] that happen here, particularly lately between a master of a Bristol ship and his seamen in relation to some disturbances on board at sea and in the harbour, and committed one of his men to the gaol, to remain there till their quarter sessions, and when application was made to me by his seaman, the master was backed by the justices and encouraged to slight the Admiralty power, with all assuring him that they would take measures to clip its wings by complaints home. I have stayed till the captain of the ship tells me that he will certainly sail in three days, expecting to be served with the inhibition or what else they have, but am still in the dark. Yesterday I had a letter from Governor Penn, who is now at Newcastle with his Assembly, where the Scotch Commissioners live. He is pleased to write that they will not serve with the inhibition till the ship is ready to sail. I beseech your Lordships to consider how barbarously they use me. However, I resolved in the morning to ride down to them, which is 40 miles, that, if it be possible, I may have a sight of the inhibition, that so I may take care to pay due obedience to the High Court of Admiralty in all things, which shall always be the endeavours of, Right Honble, your Lordships' most obedient humble servant,

ROBT. QUARY.

(Enclosure 1.)

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Copy of a letter from Mr. Moore to the Lords of the Admiralty, as follows :—

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Philadelphia, Nov. 9, 1700.

My Lords,

In March last I gave your Lordships the trouble of a few lines which I humbly wait your Lordships' answer to, and should not have attempted a second, but upon this extraordinary occasion, viz., the rumour of some inhibitions granted from the High Court of Admiralty in order to vacate a sentence given, in May 1699, against the ship *Providence*, John Lumby, master, in this Court of Admiralty, as a foreign bottom. The Honble. Col. Quarry has so fully stated that case and the consequences to your Lordships, that I shall only beg leave for my own vindication to say that I acted therein with a sincere zeal for the King's service, and what I believed agreeable to law and my duty, and hope your Lordships will give grains for my defects, which the proceedings will grossly discover. I submissively leave to your Lordships' wisdom and consideration that, if the High Court of Admiralty should inspect these proceedings, and the stress lie on the form or method thereof, 'tis past a question they will be nulled. How can it be expected that a warped, biassed, and ignorant Register, (I call him so, for soon after, in compliment to the enemies of the Admiralty, he spurned and threw up his commission), would methodize his records fit for the view and nice scrutiny of that most learned Court? So that, granting the ship unduly qualified, yet the absurdities in the entries will unavoidably destroy the Decree. I shall not pretend to contest the powers of that Supreme Court in their granting inhibitions to the plantations, or how just or fit at this juncture, but shall obediently wait the result and submit to the consequences, yet am not out of hopes that your Lordships, (considering my three years' service without salary or profit), will interpose and protect me and your other servants from the insolencies and merciless designs of our enemies, made such merely by attending and asserting your Lordships' Courts, and aiming to secure his Majesty's interest, in confidence whereof, I remain, My Lords, your Lordships' most obedient and humble servant, J. MOORE.

To the Lords Commissioners of the Admiralty.

(Enclosure 2.)

Copy of Mr. Penn's commission for Mr. Farmer to be Water Bailiff of Philadelphia, as follows :—

(L.S.) William Penn, absolute Proprietary-in-Chief of  
the province of Pennsylvania and counties  
annexed.

To Thomas Farmer, High Sheriff of the county of Philadelphia,  
Greeting,

Reposing confidence in thy vigilance and care, I do hereby constitute, appoint and ordain thee, the said Thomas Farmer, Water Bailiff for this town and county of Philadelphia, and accordingly do hereby empower thee to execute all writs, attachments, summons, replevins and all other process[cs] whatsoever

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and to thee directed upon any person or ship or goods whatsoever, from any Court of Record within this county upon the rivers and waters of Delaware, so far up and down the said river as the said county of Philadelphia, or, in case of pursuit, so far as the county of Bucks. upwards and the county of Chester downwards do extend along the shores thereof. And generally to do, act and perform all other matters and things whatsoever upon the said river within the limits aforesaid that to the said office of Water [Bailiff] do in any wise belong. Granting unto thee to take fees for the same, as in thy office of sheriff for the said county. Given under my hand and seal, at Philadelphia, the 20th day of the 4th mo. in the 12th year of the reign of William III. of England, &c., King, and in the 20th year of my Government. Annoque Domini 1700.

WM. PENN.

(Enclosure 3.)

Copy of the Petition of John Lundy [Lumby], with the Decree of the Admiralty thereon, as follows :—

To the Honble. Robert Quarry, Esq., Judge of his Majesty's Court of Admiralty, in the province of Pennsylvania.

The humble Petition of John Lumby, of Hull, in Old England. Sheweth,

That whereas your Petitioner's ship, called the *Providence*, of Stockwith, lies under seizure by the officer of Newcastle, whereby your Petitioner is wholly hindered from prosecuting his voyage for Petaxent, in Maryland, whither your Petitioner was bound with said ship, by charter party from England, but by stress of weather and want of provisions, &c., in said voyage was forced in here, and by means of said seizure is here detained and kept, to the ruin of said voyage.

Therefore, may it please your Honour to take the said premises into serious consideration, and grant your Petitioner a speedy trial of said ship, at Philadelphia, (that the said voyage may be performed), or otherwise relieve your Petitioner, as in your wisdom and wonted justice your Honour shall deem fit.

And your Petitioner shall ever pray.

Pennsylvania }  
Curia Admiral. } Anno Regni Guliel., nunc Angliæ, &c., undec.

To the Honble. Col. Robert Quarry, sole Judge of his Majesty's Court of Admiralty for the provinces of Pennsylvania and West New Jersey, &c.

Be it remembered that John Moore, Esq., his Majesty's Advocate in the said Court of Admiralty of the said provinces, (who, as well on the behalf of our Sovereign Lord the King and the Honble. the Governor of this province as himself, in this case prosecutes), gave this Court to understand and be informed that whereas, by an Act of Parliament, made in the 7th and 8th years of the reign of his present Majesty King William, entituled An Act for preventing frauds and regulating abuses in the plantation trade it is, amongst other things therein contained, [and] enacted that, from and after the 25th day of March 1698, no ship or vessel whatsoever shall be deemed or pass as a ship of the built [build]

of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of his Majesty's plantations in America, so as to be qualified to trade to, from or in any of the said plantations, until the person or persons, claiming property in such ship or vessel, shall register the same as follows, that is to say, if the ship at such time of register do belong to any port of England, Ireland Wales or the town of Berwick-upon-Tweed, then proof shall be made upon oath of one or more of the owners of such ship or vessel, before the Collector and Comptroller of his Majesty's Customs in such port; or if, at the time of such register, the ship belong to any of his Majesty's plantations in America, or to the islands of Guernsey or Jersey, then the like proof to be made before the Governor, together with the principal Officer of his Majesty's Revenue, residing on such plantation or island, which oath, the particular form whereof is inserted in the said Act, being attested by the Governor or Custom House Officer, respectively, who administered the same, under their hands and seals, shall, after having been registered by them, be delivered to the master of the ship for the security of her navigation, a duplicate of which register shall be immediately transmitted to the Commissioners of his Majesty's Customs, in the port of London, in order to be entered into a general register to be there kept for this purpose, with penalty upon any ship or vessel trading to, from or in any of his Majesty's plantations in America, after the said 25th day of March, and not having made proof of her built [build] and property as is here directed, that she shall be liable, and she is hereby made liable, to such prosecution and forfeiture as any foreign ship, (except prizes condemned in the High Court of Admiralty), would for trading to these plantations by this law be liable to, (as in and by the said Act of Parliament, amongst other things therein contained, and several other Acts therein recited; to all which his Majesty's said Advocate refers to), relation being thereunto had, may more fully and at large appear. And whereas by another Act of Parliament made in the 9th and 10th years of his now Majesty's reign, entituled An Act for enlarging the time for registering of ships, pursuant to an Act for preventing of frauds and regulating abuses in the plantation trade, it is therein enacted that all ships and vessels of the built [build] of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of his Majesty's plantations in America, being English property, shall have nine months longer time from the said 25th day of March 1698, for registering such ships, and all such ships or vessels, being registered within the said nine months, shall have and enjoy all such benefit and advantage of the said Act as they might or could have had in case they had been registered before the said 25th day of March 1698, anything in the said Act contained, or any proceedings thereupon to the contrary in anywise notwithstanding, (as by the said Act likewise may appear at large). And his Majesty's said Advocate in fact said that Jno. Lumby, mariner, the several Acts aforesaid not regarding, since the 25th day of December last past, (the ultimate time given by the said Act), and before the exhibition hereof, did import into this river Delaware, within the jurisdiction of this Court, by way of merchandizing, sundry wares, goods and merchandizes in the ship *Providence* from Europe, whereof he, the said Lumby, came master, before the time that such person or persons claiming property therein had

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made any registry of her built [build] and property, the said master not having or producing any attested registry for the security of her navigation, as by the Act is required. Wherefore, his Majesty's said Advocate, (who as well, &c.), craves the advice of this Honble. Court in the premises, with due process and judgment of this Court, and that said ship, the *Providence*, with all the goods, wares and merchandizes therein so imported, with all her guns, tackle, furniture, ammunition and appurtenances may be decreed and adjudged to be forfeited, one-third part to our Sovereign Lord the King, one third part to the Governor of this province, and that the said Advocate may have the other third part, who now sues for the same, according to the form of the Statutes, &c. May the 10th, delivered a copy to Jno. Lumby.

J. MOORE, Advocate, Doñ. Regis.

Pennsylvania Curiã Admiral.	}	At a Court of Admiralty, held at Philadelphia, in the 12th and 13th days of May, Anno Dom. 1699, (at the Petition of John Lumby), before the Honble. Col. Robert Quarry, Esq., sole Judge of the the said Court, Anno Regni Guliel., nunc Angliæ, &c., undecimo.
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The said John Moore, Esq., his Majesty's Advocate as aforesaid, came into Court, and offered himself against the said Jno. Lumby, master of the said ship *Providence*, who also personally appeared; Whereupon, the said libel being read, the said John Lumby craves a jury; which being overruled by the Court, and the matter brought to an issue. Jno. Lumby denies the matter of fact alleged against him, as in the said libel is expressed, &c. *Henry Robinson* (being sworn in Court) and asked, if he did help to build the said ship *Providence*, answered that he did help to build her from the beginning to the end, and that he had sailed in her all the voyages she has gone since her being built, and that she was built at Stockworth, in Nottinghamshire, and that he knows all the owners. The said *John Lumby*, being sworn, says that he took his oath at the Custom House, in Hull, that the said ship was registered, and being asked by the Honble. Judge whether he knew what the registry was, said that he knew it, and that it was a written paper with two seals, and that it was mislaid or otherwise lost. *Charles Groves*, who came mate of the said ship, being sworn and asked, if ever he knew of any registry that the said John Lumby had for the said ship, says that he never knew of any, and being asked, if ever he heard of any such register that the said ship had, says he never did. Whereupon, (the matter being largely debated), and the said John Lumby alleging that he is not, (by the Acts of Parliament in that libel recited), obliged to produce the said registry here, and he producing no evidence to prove any such registry, it is therefore considered that the said ship *Providence*, (for want of her said registry), be deemed as a foreign ship, and it is decreed and adjudged that the said ship *Providence*, with the goods, wares and merchandize therein, so imported, with all her guns, tackle, furniture and appurtenances whatsoever, be forfeited, one-third part to our Sovereign Lord the King, one-third part to the Governor of this province, and the other third part to the said Advocate who sued for the same,

according to the form of the Statutes, &c.—A true copy of the proceedings taken out of the book.

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(e<sup>4</sup>) Letter from Mr. Quarry to the Admiralty, dated 14 Nov. 1700, with the copy of Mr. Penn's commission for Mr. Farmer to be Water Bailiff of Philadelphia, as follows:—

Right Honble.,

His Excellency Governor Nicholson was here lately in his way to New York and return. He had the misfortune to be very sick all the time he was there, but was so well recovered that he returned to his Government by land. I gave him the state of affairs here in relation to the King's interest, which he ordered me to represent to your Lordships in a more particular manner than what I have done in my general letter, which I have inclosed. I have paid Governor Penn all the respect and service that I was capable of, and have represented all things to your Lordships and the other great Boards as much to his advantage as possible I could, concluding that he had been sincere in his promises of maintaining the powers of your Lordships' commission. But I find that all was but pretence to serve an end, which he concludes is now fully answered, having made all things easy and smooth at home, and, now that he has gained that point, he is pleased to run counter to all, as will appear to your Lordships by his late commission, a copy whereof I have inclosed. I very well know that he would not have appeared so barefaced had not his Quaker friends forced him to it by keeping their purse strings close, and showing him that without removing the Admiralty there was no hopes of money. They found by experience that there was no forcing me by storm from my post, and, therefore, ever since Mr. Penn's coming hither, they have employed all their malice, interest and cunning to undermine me, which I hope will have as little success. I will not abuse your Lordships with the least untruth, but can assure your Honours that all this intrigue about the inhibition has been managed by Mr. Penn. It was he that contrived to put in those two Scotch merchants for commissioners that he knew were prejudiced to the Admiralty and me, and has taken care to be the principal [commissioner] himself. He has promised the Quakers to return his share, and will be no loser by it; and yet, at the same time that he is thus undermining, he treats me with all the show of friendship and kindness. I am not courtier enough to pay him in his own coin, but have dealt aboveboard with him, and let him see that I was no stranger to his endeavours of undermining the jurisdiction of the Admiralty, both by private ways and by his public commissions, when I thought myself obliged to represent to the Right Honourable the Lords of the Admiralty that, as I would not go a tittle beyond the powers of my commission, so I would not part with a hair's breadth of it without your Lordships' orders and directions. I need not tell your Lordships how nice and difficult a task I have and labour under. The whole Government are spies, not only on my public actions, but on my private concerns, to try what they can pick out and improve for complaint and clamour. But, God be thanked, I have no favour or kindness to ask of them; for, as I have hitherto acted according to law and justice, so I do resolve never to part from



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that rule; but, however, it is uneasy to live always in a state of war. I am very willing to continue in your Lordships' service till I can see the powers of the Admiralty re-established in this Government; and then I hope your Lordships will please to fix on a person better qualified, which will very much oblige and gratify the people of this Government, for they find that they cannot mould me for their purpose. Though they have tried all ways and means, they find that I will be just, and am thoroughly acquainted with all the tricks and indirect ways of trade, which I will never encourage as long as I live. I do most humbly beg of your Lordships that you will please to discourse Sir Charles Hedges and desire him that he will please to propose some method or rules to prevent all misunderstanding betwixt the High Court of Admiralty and your Lordships' Courts in the plantations, that so all things may be carried on smoothly, for the least difference is attended with a very ill consequence. I will not presume to take up more of your Lordships' time, but do most humbly beg your Lordships' pardon for the freedom and the honour of a few lines in answer, which favour shall be ever acknowledged by, Right Honble. your Lordships' most humble and obedient servant, ROBT. QUARY.

Philadelphia, the 14th 9ber 1700.

(Enclosure.)

Copy of Governor Penn's commission to Thomas Farmer, to be Water Bailiff (Same as (e<sup>4</sup>) Enclosure 2, set out above).

- (f) 8 May. Petition of Charles, Lord Baltimore, Baron of Baltimore, in the Kingdom of Ireland. Charles I., in 1632, granted by Letters Patent to Petitioner's father, Cecil, Lord Baltimore, the province of Maryland, which the latter and his relations caused to be settled, spending above 50,000*l.* therein. The revenue of the English Crown is much increased thereby, the customs of tobacco amounting to near 60,000*l.* a year, without any expense to the Crown. The Bill would ruin Petitioner, who has not been guilty of any of the matters alleged in the Bill, or done anything to forfeit his ancient inheritance. Prays to be heard by Counsel against it. *Signed* C. Baltimore. L. J., XVI. 670. *Endorsed* as read this day. *Ordered* to be heard this day, if he be ready. MS. Min.
- (g) 8 May. Petition of William Penn, junior, eldest son of William Penn, Esq., senior, now in Pennsylvania. Petitioner is informed that several complaints from the Admiralty and other Offices are now before their Lordships against his absent father. Prays leave to take copies thereof and to be heard by Counsel, if there appears<sup>e</sup> anything in the papers that seems prejudicial to his father. *Signed* Wm. Penn, Jr. L. J., XVI. 670. *Endorsed* as read this day.
- (h) 8 May. Three papers delivered this day by Mr. Savage from the Commissioners of Customs. L. J., XVI. 671. The papers are as follows:—
- (h<sup>1</sup>) 8 May. Letter from Col. Quary to the Commissioners of the Customs, as follows:—

Philadelphia, June 6th 1699.

May it please your Honours,

Since my writing the enclosed I have, by the assistance of Col. Bass, Governor of the Jerseys, apprehended 4 more of the

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pirates at Cape May, and might with ease have secured all the rest of them and the ships too, had the Government given me the least aid or assistance; but they would not, or so much as issue out a proclamation; but, on the contrary, the people of this Government have entertained the pirates, conveyed them from place to place, furnished them with provisions and liquors, given them intelligence and sheltered them from justice; and now the greatest part of them are conveyed away in boats to Rhode Island. All the persons that I have employed in searching for and apprehending these pirates are abused and affronted and called enemies to the country for disturbing and hindering honest men, (as they are pleased to call the pirates), from bringing their money and settling amongst them. Your Honours were pleased to send to the Government a copy of an Act, formerly passed in Jamaica, relating to pirates and privateers, and all aiders and abettors of them, which was recommended to be passed into an Act here. It lay asleep till about 3 weeks ago, when they thought Mr. Penn might make good use of it in England to abuse your Honours with it, (if it were possible); but I am sure when your Honours consider the Act, (a copy of which is enclosed), you will find it all of a piece with their former Act, and to be a true representation of themselves, a fair show outwardly, but nothing but fraud and deceit within. And now, with your Honours' favour, I will make some remarks upon this meritorious Act of theirs. 1st, the Jamaica Act has made it felony for any of the King's subjects, in a hostile manner, to serve under any foreign prince, without licence, against any prince in amity; but this Act has made no such provision, though all the roguery that has been committed by those sort of men in the West Indies has been under the colour of foreign commissions. 2ndly, the Jamaica Act makes all such to be accessories and confederates that shall knowingly entertain, harbour, conceal, trade or hold correspondence with any person or persons that shall be deemed or adjudged to be privateers or pirates; but the Act of this Government has taken care to leave out the word, deemed, so that now, by their construction of the Act, the principals must be first convict and adjudged before there can be any accessories, and that this is their true intent and meaning appears upon my complaining against a great number of men that have been confederates with these pirates; all the answer that I could have is that they do not know them to be pirates till convict and adjudged such, so that all that so necessary a clause is by their Act made ineffectual. 3rdly, by the Jamaica Act all commission officers are empowered, upon notice that any privateers, pirates, &c., are in any place, to raise and levy such a number of well armed men as they shall think needful for the apprehending, &c.; but the Act of this Government impowers the justices, sheriffs and constables to call to their assistance such a number of men as they shall think needful for the apprehending, &c., but not one word of armed men or arms. If the Quaker justice and constable, with those of their friends whom they call to their assistance, can preach the pirates into a submission to the King's authority, 'tis well; if not, they may go about their business. As for commission officers, they did very well to leave them out of their Act, since there is neither militia or one commission officer in the Government. 4thly, by the



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Jamaica Act, in case the pirates, &c., shall make resistance, or refuse to yield obedience to his Majesty's authority, it shall be lawful to kill and destroy such person or persons, and all persons that shall resist by firing upon any of the commanded party shall be adjudged as felons without benefit of clergy; but all and every part of this so necessary a clause is altogether left out of the Act made here. 5thly, the Jamaica Act provides that, in case any person shall refuse to appear at such place as shall be appointed with his arms well fixed and ammunition, and being there shall refuse to obey his commission officer, such person shall be liable to such fines or corporal punishment as by a regimental court martial shall be thought fit; but by this Act there is no care taken for their appearing with arms and ammunition, and in case they refuse to appear at all, they are only fined 5*l.*, which they very well know will never be recovered against any for that cause in their Courts. They have by this Act likewise taken care to empower the persons that they do associate with the Judge of the Admiralty to try, &c., but have made no provision to empower him, so that, if he has no power to try piracy without their Act, that gives him none; and my commission from the Lords of the Admiralty gives me no such power. But, may it please your Honours, that which sticks most with me is how I can with safety—according to law, conscience or reason, sit and judge the lives of the King's subjects when all the Judges in the commission and on the bench besides myself are men that will not take the oath of allegiance, &c., to his Majesty, nor the oath of a Judge to give judgment indifferently betwixt the King and his subjects? Or how can I give judgment for taking the life of a subject on the verdict of a jury, not sworn, or on the evidence of witnesses, not sworn? and this is what has been practised here. I am sure no man living is more zealous to serve his Majesty in all things within my power, but I hope I may be excused if I join not with them in this arbitrary, illegal and unreasonable way of judging men's lives. I hope to receive some speedy orders and directions in this matter, either by sending a commission under the Great Seal or by ordering the pirates to be sent for England, (which in my opinion will be much the better and easier way); for those two pirates that are in the gaol of this Government must be tried by this defective lame Act, by Judges and juries not qualified, or not at all; and for the other six that are in the gaol of the West Jerseys, they cannot be tried there, having no Act of that nature yet passed. I will trouble your Honours no further with a comment on that false deceitful Act, which serves their turn well enough to make a noise, and, if possible, to abuse his Majesty. They have now sent it home in great triumph to Mr. Penn, who knows how to make use of it to serve a turn. The generality of the people here who are not of the Government exclaim against them to see them pass an Act not 3 weeks ago, and now there is so good an occasion offered to put it in execution, they will take no notice of it, but act quite contrary. I am confident your Honours will never find them act here in anything relating to the King's interest but after this false deceitful rate. I am sure it will be impossible to impose on your Honours' wisdom, whatever they may fancy; and we are not out of hopes that, since the wisdom of the Parliament has not thought fit to

qualify or permit Quakers to give evidence in any criminal Cause, or serve on any juries, or bear any office or place of profit in the Government, they will in their due time extend their charity and consider the unhappy circumstances of this place, and make the like provision for us, especially if recommended to them by your Honours. I hope their Excellencies, the Governors of Virginia and Maryland, will give your Honours an account that they have seized the pirates which were carried from this Government by one Gravenrad [Graverard] in his sloop. I sent expresses to each Government with such directions that it will be a very hard matter for them to escape. By the return of the express to Governor Blakiston, his Excellency gives me advice that he had seized Gravenrad and his sloop with one of the pirates, and that 9 more of them had got passage for England. Your Honours will receive a more exact account from the Governors I presume. Once more to beg the favour of hearing from your Honours with all possible speed, which is the humble request of, your Honours' most faithful, humble servant, ROBT. QUARY.

Since my writing this, Capt. Kidd is come into this bay with a sloop, and a ship stands off and on. The sloop's boat and some of the men have been ashore to mend some iron work, and were kindly received at the Hore Kills, and several of the inhabitants have been on board them. This Government take no notice of it. I sent an express to the Governor of Virginia, who I hope will send the man-of-war hither time enough.

*Endorsed* (1) received this day from Mr. Savage from the Comrs. Customs.

(h<sup>2</sup>) 8 May. Letter from the same to the same as, follows:—

May it please your Honours,

I writ to your Honours at large of the 10th March, since which I have seized and condemned a sloop that came directly from Curesaw into the bay, and brought a great quantity of European manufactory. The goods were all landed and secured before I had intelligence, which is the misery of this place, and all for want of a small vessel. The sloop was two days landing the goods at a place not far from Newcastle. When they had done their business, they went and entered the sloop with your officer there. Had the master been then sworn and examined whether he had broken bulk, as he ought to have been, and as there was cause enough to suspect coming from Curesaw, there might have been a discovery made time enough to have seized these goods, or at least good parts of them. I got my intelligence from the seamen, who gave me all the particulars, for which I rewarded them, which is the only way to secure such men and make them willing to serve the King on such like occasions. There are a parcel of old pirates that are settled at a place in this Government called the Hore Kills just by the capes, so that, when any pirates come near this bay, they send their boats ashore to this place, where they have intelligence and are supplied by these men. Whilst Capt. Kidd was in this bay, he sent his boat ashore every day and was supplied, and these men went constantly on board him, and brought ashore with them great quantities of East India goods. The whole intrigue of this roguery has all been lately discovered. Governor Penn has been very active, not only in the discovery of this matter, but

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in committing them all to gaol, where they now are. He was pleased to advise with me about the trial of them. I am at a great loss how to proceed against them. The former Act was very full on this subject of confederating and dealing with pirates, but is repealed by the last Act I sent your Honours, which bears date since these men committed the fact. I am in great hopes that, before this, the Parliament of England have passed an Act that will answer our end on this occasion. In the mean time the Governor resolves to keep them close prisoners, which will be of great consequence in this respect, for this being the time that we expect the pirates from Madegazer [Madagascar] especially two ships that belong to New York, there are now sloops waiting on purpose for their coming, to unload their goods and convey away the pirates and their effects. I do wish that there were a small vessel of force here. I would not then doubt, but to give your Honours a very good account of them and their estates, as also the ships they come in. These old pirates must be removed from the Hore Kills, else it will be of very ill consequence, by giving the pirates that shall come intelligence, and supply them. Governor Penn promises positively that he will root them out of their old habitation, which will be a great service to the King. I will not give your Honours any further trouble, but beg leave to subscribe, as I truly am, your Honours' most faithful and obedient servant, ROBT. QUARY.

Philadelphia, the 10th April 1700.

*Endorsed* (2) received 26 July 1700.

(h<sup>3</sup>) 8 May. Letter from the same to the same, as follows:—

May it please your Honours,

I took the freedom to write to your Honours at large in June last, to which I humbly beg the favour of a line in answer when it does best suit with your Honours' conveniency. And now, that I may not take up too much of your Honours' time, I will refer to the enclosed, being a copy of what I have written to the Lords of the Admiralty, which will inform your Honours of the present state of affairs here in relation to the King's interest. I have only this to add, that I never laboured under more difficulty than I do at present. I cannot charge it on Governor Penn further than the ill consequence of his late commissions, a copy of which I have sent your Honours, by which you will see that he has invaded almost all the powers of the Admiralty. I have paid him all the respect and service in my power, and have represented all transactions since his coming hither to your Honours and all the other great Boards in England as much to his advantage as I could, fully depending on his promise, which I am sure he would have performed, had he not been under a necessity of complying with his Quaker friends in order to the gaining the main point, a supply of money; and after all I believe they will disappoint him. I hope your Honours will please to join with the Lords of the Admiralty in representing to Governor Penn that his late commissions are not only contrary to his promise, but an invading the rights of the Admiralty, established by Act of Parliament, which I believe will produce this effect, that he will think it reasonable to recall his late commission, and appear the only Governor in America

that opposes the authority of that Court. His reasonable compliance herein will prevent my troubling your Honours with complaint, which I am sure was never easy to me. I received a letter from Mr. Savage, who acquaints me that your Honours are pleased to remember my small services, and are resolved in a little time that I shall receive the effects of your Honours' favour to me, for which I pay your Honours my most humble and thankful acknowledgments; which is all that I will presume to add, but to assure your Honours that I will omit no occasion of serving your Honours and demonstrating that I truly am, your Honours' most faithful and obedient servant,  
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Philadelphia, the 14th 9ber 1700.

To the Honble. the Commissioners of his Majesty's Customs.

*Endorsed* (3) vide Commrs. Lr. 15 Aug. 1699.

- (i) 9 May. Petition of William Penn, Esq., in behalf of his father, now absent in America. Petitioner's father has sometimes been, upon the unexpected departure of vessels, forced to send several papers to the several Offices of the Admiralty, Plantations and Customs, whereof he had not then time to send duplicates to those who looked after his affairs here, and when duplicates afterwards were transmitted, the ships by which they were sent, perished at sea. Petitioner, having recourse to the papers now laid before the House, perceives several of those papers are not among them. Prays the several Offices may be ordered to produce as well those which are for the advantage as those that seem to prejudice Petitioner's absent father. *Signed* Wm. Penn. L. J., XVI. 676. *Endorsed* as read this day.
- (k) 9 May. Order of the House on preceding Petition, ordering the production of all the papers that may any way concern Mr. Penn's father. *Signed* Mathew Johnson, Cler. Parliamentor. L. J., XVI. 676. *In extenso*.
- (l) 10 May. Letter from the Secretary of the Admiralty to Mathew Johuson, Esq., Clerk of the Parliaments. Since the commands received yesterday, he has caused strict search to be made, and cannot find more than the two papers herein enclosed, relating to Mr. Penn, the one a letter from himself, the other from Col. Quary. *Signed* J. Burchett. *Dated* Admiralty Office this day. L. J., XVI. 678. *Endorsed* Papers received from the Admiralty 10 May 1701 relating to Mr. Penn. The enclosures are as follows:—
- (l<sup>1</sup>) 10 May. Letter from Mr. Penn to the Lords of the Admiralty, of 10 Dec. 1700, and delivered this day, as follows:—

Philadelphia, 10th of X<sup>br</sup> 1700.

Honourable Friends,

If I have not hitherto wrote, 'tis not of disrespect but caution, being rather willing the account of my conduct should come from those who have reproached that of my Lieut., because I depend on their honour in doing me justice, and forbear being particular in my own favour, that I may not be thought vain, where I so much value your better opinion. That which quickens this from me is the business of the ship *Providence*, John Lumby, commander, and to request some plain rules for our future conduct. I well remember that this Government's uneasiness at the condemnation of Lumby was made an article against it to me



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at home, upon which, after my arrival, I made it my business thoroughly to inquire into the steps of that affair, and find our fault was chiefly this, that endeavours were used to persuade your officers here to accept of security for the vessel, which two of the most eminent merchants of the place offered to the High Admiralty of England, if she might proceed in her voyage, it evidently appearing that she was English built, registered and duly navigated, only the certificate of the registry, through the master's carelessness, was wanting; but shall forbear alleging particulars in defence of the people's uneasiness of that piece of rigour, seeing the whole now appears to your Court to merit your further enquiry. I shall only request that, (more than complying with the inhibition and orders already sent, which I have readily done), I may have no greater share in the trouble or charge, if any follow, than I intended to have of the gain, for the master and all others concerned here know, I was resolved never to touch with any part of either ship or cargo, more than to give storage to, and take care of the third of the latter allotted to me, on division of the whole, that it might be the safer preserved for the merchants though the inhibition had never come. What other slips this Government, especially Colonel Markham, my deputy, has been accused of, as I shall not make it my business to vindicate him, so I hope they will not be laid to my charge, being obliged by the Queen not to put him out, because he was Col. Fletcher's deputy before, without the royal orders or consent, as by the minutes of Council at Whitehall may appear, and I suppose he has himself sent home his vindication to the Lords of Trade and Plantations.

I cannot, my Honourable Friends, but lament that occasions should be taken where, for my own part I can boldly say it, not the least is designed, and where I dare affirm, the Admiralty meets with as much deference and compliance from the Government in general, as anywhere in the King's dominions, and ever shall while I am concerned, in all its just powers and commands, an infelicity I am apt to believe very much owing to the small opportunities of acquaintance the gentlemen concerned in it here have had with the Civil Law and the proceedings of Doctors' Commons, as some of themselves do acknowledge, and which I conceive some experienced attorney in the practice and customs of that great and honourable Court might, in a great measure prevent, by distinguishing the just boundaries of the civil and maritime powers, where they border one upon another, which is submitted to the Lords' consideration for the King's service.

To this unacquaintance doubtless is to be imputed their opinion that, they are in all cases to act to the literal extent of the commission which sometimes breaks in upon our Civil Courts of Record, to a degree that cannot but extremely confuse us, a practice unknown in our neighbouring Governments where all things done *infra corpus comitatus* are, without dispute, tried by the Civil Courts only, of which New York, now the most celebrated of these colonies for regularity in such cases, is a convincing instance. And indeed, it cannot be conceived that the Courts of Admiralty erected in these plantations, chiefly for trial of offences against the act of trade and piracy, were ever designed to extend so far as that nothing should be done a foot off the shore in any creek or river but by its powers; and that

all actions of bakers, butchers, victuallers, smiths, cordwainers, &c., suing for provisions furnished to, or work done for, vessels and such like private and civil cases, should be tried in the Admiralty only, and without a jury: a thing extremely dissatisfactory to the King's subjects here in general, but what I have never yet offered to prohibit, rather desiring they should be diverted from it by directions of our superiors at home, though I must confess it is troublesome.

Another thing that appears no less unreasonable, I must beg leave to mention, which is that Colonel Quarry, being out of the province the greatest part of last summer, about five months at one time, forced to it by his trading affairs and a fit of sickness, there was a great ball fired from [a]board of a vessel before the town through a house on the middle of the quay, to the great terror of the inhabitants. Upon which Jno. Moore, Advocate of the Admiralty, as well as others, applied himself to me to take notice of the master, which I did, but found it only an accident. But for coercion of such actions for the future, and for maintaining the peace, as well on the water as land, I gave the sheriff of Philadelphia a commission to be water bailiff for the port, and for our better guidance, had it drawn by the naval officer of New York, then in this town, being also a lawyer of considerable practice under Lord Bellomont and judged able in naval affairs in general. With this commission, Col. Quarry, returning home, appeared much dissatisfied, as if by it I had invaded the powers granted him by the Admiralty, which I must confess did not a little surprise me, for nothing can appear more unreasonable or absurd to me than that this country being granted me by the King's Letters Patent, both soil and government, with the royalties of both land and water, and full powers of founding cities, corporations, &c., with all courts, magistrates and officers necessary for their government, which by the blessing of God, through my interest has, in a short space, been raised to a flourishing condition and thereby no inconsiderable accession been made to the dominions of the Crown, my power should be disputed of appointing an officer, that most mayors of ports in England, if I mistake not, have the privilege of; and that I, who can constitute the mayor, cannot an officer, that may be afterwards appointed by him, according to the practice of our neighbouring Government of New York, nor my orders or warrants be good a stride off the shore, though so absolutely necessary to the administration of justice. For I need but appeal to your Honourable Board what the consequence must be, if a criminal pursued or a debtor escaping, if he but step off the wharf on board any vessel should be out of the power of all of our civil officers, and be able to bid them defiance. Yet, unreasonable as this is, such has been my care not to disoblige the Admiralty here, that even that trivial commission had scarce been granted by which there have not yet four warrants been served, had the Judge been at home, or had John Moore, left in his room, seemed inclinable to act. But the peace must be preserved, and therefore I was obliged to do more than otherwise I should, not through any doubt of my power, but to prevent clashing and misunderstandings, till affairs might be settled, pursuant to an agreement between Col. Quarry and myself, that we should represent home such things as might be thought doubtful for both our security,

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rather than give the least occasion to the inhabitants of observing any misunderstanding between us. And I now earnestly request that the High Court of Admiralty would be pleased, for our safety and ease, to give us their instructions herein, and take unto their consideration the inconveniences that must needs ensue upon the civil and maritime powers interfering with one another, which I humbly submit, requesting their notice, and that they would believe my mentioning these things proceeds not from any design of abridging the just powers of that Court in this province; on the contrary, I have always countenanced it since my arrival, and of this the Judge himself cannot but bear me witness. He has showed himself honourable to me in it since I came hither, and I hope no resentments or uneasiness he may entertain from the inhibition on the ship *Providence*, with which I am no ways concerned more than by your commands, will divert that strain of candour he has in his discourses so largely professed to me. Yet I cannot but observe that, though no other in its nature, as I take it, than a writ of error or certiorari in the Common Law, it comes not without some discouragement, and puts him upon his defence, in which I hope he will shew himself so just, as not to make parties of professions, nor use names for reflections, for I am sure none of the province that I have heard of, has acted in it since my arrival, till put upon it by your orders. Nor were the Quakers the only people dissatisfied at their proceedings in that business, those of his own sentiments being equally uneasy at their rigour. But, if anything reflecting should unhappily escape any of your officers' pens, I hope you will be please to favour me with the knowledge of it; and, if it be not cleared to your satisfaction, then let me fall under your censure, which I should be unwilling to incur at any rate. In fine, to show how far I have been from discouraging the Admiralty here, I have made the Advocate of that Court, Attorney-General; and our under sheriff is their Mareschal which cannot be thought to look as if it were designed we should draw two ways.

But I have too long, I doubt, transgressed on your patience, and shall therefore only stay to inform you that some time since I received a letter from your Secretary by your order, requiring Robt Bradenham, Kidd's Doctor, to be sent home, which I then omitted to answer, having done it by sending him four months before, by the King's commands to the Lord Bellomont, with all his treasure, not forgetting his little negro, without deducting one farthing for all our charges of conveying him to New York or trouble of finding the money, &c., which was considerable; for all which I have been thought punctual to a fault, by some perhaps of whom you have a good opinion. And, if I may make bold to add this, and say in my own right, without ostentation, I have endeavoured to serve the King with the utmost application and integrity, of which I presume the Lords of Trade are satisfied, and in all things have preferred his interests before my own, though they have greatly suffered by it, and that without the least allowance for it any way, or even claiming those royalties which your Advocate himself is of opinion, by my grant, I am entitled to.

The length of this, I must say, would need an apology if it were not a letter of business as well as respect. But I have done when I have assured you, as now I do, that I shall on no

occasion claim any privilege by being proprietary against the zeal and duty that is expected from, or should recommend any King's Governor where his service is concerned, and that I am with great regard, your most faithful and respectful friend,  
WM. PENN.

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Enclosed is the copy of the commission mentioned.

(*l*<sup>2</sup>) 10 May. Letter from Col. Quarry to the Lords of the Admiralty, of 10 March  $\frac{1699}{1700}$ , and delivered this day. It is all in Col. Quarry's hand, and his letter of 6 March (Annex (*e*<sup>2</sup>) above), which is in a clerk's hand, is a duplicate of it.

(*m*) 10 May. Letter from Mr. Savage, of the Customs, to Mr. Johnson, Clerk of the Parliaments, stating that, pursuant to their Lordships' Order of the 3rd inst., he had lodged with Mr. Sambrooke such letters as the Commissioners of the Customs had, relating to the complaints against the Governors of the plantations in America; and, in pursuance of another Order of 9th inst., he now transmits a letter they had formerly received concerning Mr. Penn, in Pennsylvania, desiring Mr. Johnson's care thereof, that in due time he may have it back. *Signed* Richd. Savage. *Dated* Custom House, London, 10 May 1701. *Endorsed* as received this day. L. J., XVI. 678.

(*m*<sup>1</sup>) 10 May. Letter from Col. Quarry to the Commissioners of the Customs, of 6 March  $\frac{1699}{1700}$ , delivered this day as an enclosure in preceding. It is identical, *mutatis mutandis*, with his letter of 6 March to the Lords of the Admiralty (Annex (*e*<sup>2</sup>)). It begins as follows:—

May it please your Honours,

I am honoured by yours of the 15th of August, by which you are pleased to favour me with an account of what steps your Honours have taken in order to the asserting the King's authority in this Government, which does sufficiently demonstrate your zeal for his Majesty's service and interest. I am very glad to find that my several letters were laid before your Honours, the want of which advice was the reason of my troubling your Honours so often. [Then after the passages referring to Governor Penn, which are almost indetical with the corresponding passages in Annex (*e*) the letter proceeds as follows:—] In obedience to your Honours' commands, I have sent a list of such fees as is taken in New York by the Register and Marshal of the Court of Admiralty there. Mr. Moore, the Advocate of this place, is a person well read in the law, and a very ingenious man. He expects some better encouragement, else he will not act longer. I presume he will write to your Honours, unto which I refer. For my own part, I never received any fees, nor do I think it proper for a Judge to receive profit or advantage by any condemnation. It will open the mouths of the people and cause reflections, which I will ever avoid. I have served your Honours' and the King's interest these two years. I will not trouble your Honours with the history of the difficulties and fatigues I have laboured under, besides my travelling through these provinces and that of West Jersey to hold Courts, all the charge of which and maintaining all the officers has been out of my pocket. I am extremely obliged to your Honours for your generous and favourable representation of my service to the



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Rt. Honble. the Lords of the Treasury, in order to an establishment or some other suitable reward. I will not presume to prescribe or say anything on my own behalf, but humbly submit all to your Honours' wisdom. I am sure his Majesty's Governors of Virginia and Maryland will satisfy your Honours that no man is more capable of serving your Honours' and the King's interest in these parts than I am or will do it more faithfully. [Then follows the account of the capture of the pirates, as in (e<sup>2</sup>), adding that he had taken upwards of 2,000 pieces of eight with the two pirates seized on board a sloop in the bay. The remainder of the letter is as follows:—] Your Honours will have an account of the master of the sloop, *Graverard*, in the enclosed memorial. This letter\* was intercepted by the Governor of the Jerseys, Col. Bass, as it was going through his Government towards New York. I will presume to give your Honours a short account of the Hull ship which has made so great a noise at home. When she was first seized, I was willing to put off the trial, but nothing would serve the master but a speedy determination of the business, and, in order to it [he] petitioned for a Court, which I could not refuse. When the trial came on, and the matter of the libel managed by the King's Advocate, his lawyers had nothing of law to offer on his behalf, but a long story of equity. The libel being grounded on a penal Statute, I could not give any other Judgment but according to the law without violating my oath. Had he not pressed on the trial there might have been application made to your Honours for an order to clear her; but the Judgment and Decree of the Court has altered the property. However, I did not immediately order the disposal of the ship and goods, as the law directs, and as the King's Advocate did very much press, but kept them safe without division, that so the master might try what he could do in England to reverse the Judgment of the Court. I did likewise propose these two things to the master, first, if he would give security for what the ship should be appraised at, that I would order her to be delivered to him immediately. If the Judgment of the Court were reversed in England, then the bond to be void, else to be in force. The other thing I proposed was that, if he could buy the ship, I would endeavour with the Governor and the prosecutor that he should have her on very easy terms. He seemed willing to it, and accordingly I went to the Governor, who was so generous as to say that he would give him his third. I prevailed upon the prosecutor to take 100*l.* [of] this country money, which is not 70*l.* sterling, and promised him that I would so far presume on your Honours that he should have the King's share on the same terms, and further that I would write to your Honours in his behalf, and not question, but that your Honours would be a means that the King's share should be returned; and then the ship would not stand the owners in 100*l.*, all fees and charges, though she is really worth 900*l.* and 1,000*l.* It is not in my power to give away the prosecutor's share, though I have prevailed with him to be as easy as possible. I have acquainted Governor Penn with all the steps I have taken, who is pleased to say that, as the ship is under condemnation, nothing more kinder or fairer could be

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\* See (e<sup>2</sup>) Enclosure (2).

offered than what I have done; but the unhappiness is that I have to do with a man that has not sense to know his own interest, or when he is kindly dealt with. He follows the advice of some fellows here that design his ruin, and will thoroughly effect it. A great deal of the goods were damaged on board the ship, and by lying are grown much worse; so [I] was forced to give a warrant of appraisement, and had them sold. They were appraised to the utmost of their value. If the master does not come to some resolution very quickly, I must be forced to order the sale of the ship by inch of candle. The Governor resolves to try his skill to bring this mad man to his senses, the result of which your Honours shall have by the next. This business has given me a great deal of trouble and loss of time, and I am sure, let the business end how it will, I shall neither gain nor lose by it. I must refer your Honours to the enclosed memorial, and desire that I may receive your Honours' orders and directions on the several matters thereof, which shall be punctually observed by, your Honours' most faithful and obedient servant,  
ROBT. QUARY.

1701.

No. 1634.

Philadelphia, the 6th day of March  $\frac{1699}{1700}$ .

(n) 10 May. List of papers and letters in the custody of the Commissioners of Trade, which was delivered this day by Lord Lexington. L. J., XVI. 678. The list is as follows:—

Pennsylvania.

Copy of Mr. Penn's commission to William Markham to be Governor of Pennsylvania.

Copy of Mr. Penn's commission to John Godson and Samuel Carpenter to be Assistants to Mr. Markham.

Letter to Mr. Penn about a bond to be entered into for his Deputy Governor at Pennsylvania.

Letter from Mr. Snead, in Pennsylvania, to Sir John Houblon, complaining of Col. Markham, Deputy-Governor there, in relation to pirates.

Information of Mr. Robinson, &c., about some of Every's crew in Pennsylvania.

Proceedings relating to the privateer bays being harboured in Pennsylvania in 1696, and to some seamen being run away thither. Declaration of the Governor and Council of Maryland about the harbouring of pirates and run away seamen in Pennsylvania. His proclamations thereupon. A paper about pirates and illegal trade.

Letter from Mr. Penn to the Secretary, about complaints against his Deputy-Governor for protecting pirates.

Received from Mr. Penn copies of letters and other papers sent from Colonel Markham to himself, relating to pirates in Pennsylvania, and about the Quota to New York.

Letter to Mr. Penn about the laws of Pennsylvania, and about security for his Deputy Governor.

Letter from Mr. Penn with the laws of Pennsylvania.

Letter from Mr. Penn to the Board, relating to the security required from the proprietors for their respective Deputy Governors in the plantations.

Letter from Mr. Robt. Snead, of Pennsylvania, to Sir John Houblon, relating to the protection of pirates in that Government.



1701.

No. 1634.

Address from the Freemen of Pennsylvania to his Majesty, dated 30th May 1698.

Letter from Colonel Quarry to the Board, relating to Courts of Admiralty. Dated at Philadelphia, the 4th of July 1698.

Letter from Colonel Quarry, Judge of the Admiralty in Pennsylvania, to the Board, dated the 25th August last, about illegal traders in that province.

Letter from Colonel Quarry to the Board, dated at Philadelphia the 6th September last.

Letter from Colonel Quarry to the Board. Dated the 16th September last.

An Act for preventing frauds and regulating abuses in trade within the province of Pennsylvania and counties annexed; brought to the Board by Mr. Penn.

Memorial of Mr. Penn, in answer to some complaints against the people of Pennsylvania and particularly against Col. Markham.

Letter from Colonel Quarry, Judge of the Admiralty for Pennsylvania, to the Board. Dated 1st March 1698-9.

Representation relating to Pennsylvania.

Letter from Colonel Quarry, of the 1st June 1699, about pirates arrived in Pennsylvania and other places.

Letter from Colonel Quarry, of the 6th June 1699, about the arrival of Kidd and other pirates in Pennsylvania and other places.

Representation, relating to the arrival of pirates in Pennsylvania and West New Jersey and to illegal trade between New York and Madagascar.

Copy of an Order of Council, of the 31st August 1699, upon a representation of the 4th of the said month, relating to Pennsylvania declaring their Act for preventing frauds, &c., and all others contrary to the law of England to be void.

Copy of an Order of Council, of the 31st August 1699, upon a representation of the 4th of the said month, about the arrival of pirates in Pennsylvania, the Jerseys, &c., disallowing Mr. Markham to be Lieutenant-Governor of Pennsylvania, &c.

Order of Council, of the 31st August 1699, upon two representations of the 4th and 10th of the same month, relating to Pennsylvania, &c.

Letter from Capt. Webb, late Governor of the Bahama Islands, dated in Pennsylvania the 26th June 1699 complaining that the seamen belonging to the ship in which he was come hither joined with other pirates in Pennsylvania and ran away with the said ship.

Deposition of Wm. Bryant upon that subject.

Letter to Mr. Penn, with the late Order of Council, upon the representations of this Board of the 4th and 10th August 1699.

Letter from Colonel Quarry, of the 20th October 1699, continuing complaints of the like nature with those in his former letters.

Letter from Colonel Quarry to the Board, with account of Mr. Penn's rectifying affairs in that province, dated the 6th March  $\frac{1699}{1700}$ .

Letter from Mr. Penn to the Board, dated at Philadelphia the 27th February  $\frac{1699}{1700}$ .

Letter from Mr. Penn to the Board, dated at Philadelphia 1701.  
28th April 1700.

Address of the General Assembly of Pennsylvania in  
vindication of themselves and the people of that province, dated  
the 9th of February  $\frac{1699}{1700}$ . No. 1634.

Two Acts passed at a General Assembly in Pennsylvania the  
10th of February  $\frac{1699}{1700}$ .

Letter from Colonel Markham, late Deputy Governor of  
Pennsylvania, in vindication of himself against the complaints of  
Colonel Quarry, &c. Dated 1st March  $\frac{1699}{1700}$ .

Mr. Penn's proclamation against pirates, dated 3rd December  
1699.

Copy of Mr. Penn's commission to the high sheriff of  
Pennsylvania, to execute the office of water bailiff, 26th June  
1700.

Letter from Colonel Quarry to the Board, dated at Philadelphia, the 10th April 1700.

Copy of a letter from Colonel Quarry to the Lords of the  
Admiralty, about proceeding in the Admiralty Court in  
Pennsylvania, dated at Philadelphia, 14th November 1700.

Letter from Mr. Penn, dated 8th and 13th December 1700.

Letter from Mr. Penn, dated 31st December 1700.

Letter from Mr. Penn, dated 6th March 1700-1.

Letter from the vestry-men of Christ Church, Philadelphia,  
complaining that their religious rites are invaded by a late Act  
of Assembly, dated 28th January 1700-1.

*Endorsed* Delivered by Lord Lexington from Commissioners  
Trade, 10th May 1701.

1635. April 25. Lloyd v. Cardy.—Petition and Appeal of William Lloyd, Esq. Appellant was Colonel of her late Majesty's Regiment of Dragoons. He contracted with John Cardy for the supply of four hundred and sixty cloaks and sixty suits, according to patterns supplied, at 2*l.* 14*s.* per cloak and 2*l.* 17*s.* per suit, to be delivered by the end of March 1695. The payment for these goods was to be made out of the off reckonings of the Regiment, beginning on January 1 following. Appellant gave an assignment upon Lord Ranelagh, Paymaster of the Army, for 1,425*l.*, (which is 12*l.* more than they cast up to), but he allowed the high prices as the payment was deferred. The goods, however, were not sent over to Flanders, where the Regiment was stationed, until the end of April or the beginning of May. They were then found to be made of various stuffs, averaging about 3*s.* a yard instead of 6*s.* 6*d.*, with the result that the cloaks were only worth about 22*s.* and the suits 30*s.* The difference amounted to 700*l.* The Regiment had been lately stripped by the French at Dixmuyde, so that they were obliged to use the things and there was no time to return them to Cardy. On his return from Flanders Appellant reported this abuse to the Pay Office and payment of the money was stopped pending enquiry. Cardy, however, endeavoured to arrest Appellant, who accordingly brought his Bill in Chancery praying that he might not have to pay more than the value of the goods, and that out of the off reckonings according to the agreement. Cardy put in his Answer that the goods were provided by Lawrence



1701. De la Chambre & Co. and were as good as the patterns, and De la  
 — Chambre & Co. exhibited their Bill against Appellant for the 1,425*l*.  
 No. 1635. The Cause was heard by the Master of the Rolls who ordered  
 Appellant to pay the whole sum with reasonable costs and, on his  
 appealing to the Lord Keeper, the Decree was confirmed, but the word,  
 reasonable, struck out.

Appeals against the Decrees. *Signed* by Appellant. *Countersigned*  
 Ric. Turner, D. Deane. L. J., XVI. 660. [The Cause was heard on  
 6 June, when *Mr. Cooper* and *Mr. Pooley* were heard for the  
 Appellant and *Sir Thomas Powys* and *Mr. Phipps* for the Respondent.  
 After debate, *On Question*, Whether this House shall direct a  
 trial at law? The *Previous Question* was then put. *Resolved* in the  
 negative by 20 to 15: Tellers, E. Stamford and E. Winchilsea. The  
 Appeal was dismissed. MS. Min. L. J., XVI. 725.]

Annexed:—

- (a) 3 May. Answer of John Cardy, merchant. The cloaks and  
 suits were of the full value agreed upon or even better. They  
 were viewed before they were sent by John Jones, who had  
 been appointed by the Appellant to view them. Moreover the  
 Appellant liked them so much that he offered to make another  
 agreement with Respondent in 1697. The goods were supplied  
 by Lawrence De la Chambre, Thomas Woods and Bostock  
 Johnson, to whom Respondent assigned his claim for 1,425*l*.  
 As the assignment given by the Appellant proved ineffectual,  
 the 1,425*l*. remains wholly unpaid. The Decrees appealed  
 against are equitable. Prays that the Appeal may be dismissed  
 with costs. *Signed* by Respondent. *Countersigned* Main-  
 waring Davies. *Endorsed* as brought in this day.

1636. April 25. Vexatious Suits Bill.—Draft marked for amend-  
 ment\* of an Act for the more effectual restraining of trifling and  
 vexatious suits in law. Whereas [an Act of Parliament made in the  
 three and fortieth year of the reign of the late most gracious Queen  
 Elizabeth, intituled an Act for avoiding of trifling and frivolous suits in  
 law in her Majesty's Courts at Westminster, which Act has been since  
 made perpetual, as also a clause in another Act of Parliament made in  
 the two and twentieth and three and twentieth years of the reign of  
 his late gracious Majesty King Charles the Second, intituled an Act for  
 laying impositions on proceedings at law, in which clause mention is  
 made of the said Act made in the three and fortieth year of the said  
 Queen, have been found by experience to be wholesome laws and for  
 the good and peace of the people and for preventing oppression by  
 frivolous and vexatious suits; but, forasmuch as the said laws are  
 restrained only to personal actions brought in his Majesty's Courts at  
 Westminster, many malicious persons, designing the oppression of  
 others, to evade the justice of the said Courts at Westminster and good  
 intention of the said laws, are encouraged to commence and bring the  
 said trifling and vexatious suits in other inferior Courts of Record in  
 the Realm by reason that in the said inferior Courts they do recover  
 greater costs than they can in like actions in the said] *several trifling  
 and vexatious actions of trespass and of assault and battery are  
 oftentimes commenced in the inferior Courts of this Realm, by  
 reason that in the said inferior Courts the plaintiff or plaintiffs do*

\* The omissions are shown by square brackets, and the additions by italics.  
 The amendments, where not marked on the Draft, are supplied from the Annexes  
 below, being identified by the marks in the margins of the Draft and Annexes.

*recover greater costs than they can in like actions in his Majesty's Courts at Westminster.* For remedy thereof, Be it enacted, &c., that [the said Statute, made in the three and fortieth year of the said most gracious Queen, as also the said clause in the said Act of Parliament, made in the two and twentieth and three and twentieth years of his late most gracious Majesty King Charles the Second, shall extend to and be construed to extend to all such personal actions, (which in the said Acts or either of them are mentioned and provided for), as shall at any time after the       day of       next ensuing be brought sued or commenced in any inferior Courts of Record in this Realm, in like manner as the said Acts have provided for the said personal actions in his Majesty's Courts at Westminster; and, for the more effectual restraining of vexatious proceedings in the said inferior Courts of Record, be it enacted by the authority aforesaid that no precept or process whatsoever from and after the said       day of       next shall issue out of any such inferior Courts to attach or seize the goods of any person in possession of him or her or themselves or servants whereby or by virtue, cause or occasion whereof, the same or any part thereof shall be removed from the place where the said goods shall be attached, until the condemnation thereof and the debt or damages due to the plaintiff or plaintiffs in such suit or suits in which the same shall be so attached shall be ascertained by a jury to be summoned and sworn in such Court or Courts for that purpose by the Judge or Judges thereof, who are hereby empowered so to do, nor shall any person or persons be compelled to give special bail to any action or plaint to be levied or commenced against him, her or them, in any such inferior Court, unless the debt or damages then due to the plaintiff or plaintiffs, shall amount to five pounds at the least; and, where the debt or damages shall be under five pounds, no person shall be obliged to give special bail to such action or plaint to be levied or brought in any such inferior Courts of Record upon any habeas corpus or certiorari removing the same thence; and, if any person or persons, by virtue of any arrest, attachment or other process out of such inferior Court or habeas corpus or certiorari removing such Cause shall be held to special bail, and the plaintiff or plaintiffs in such suit or process shall discontinue his, her or their suit or suits, be nonsuit, or a verdict or judgment shall pass against him, her or them, or he, she or they shall recover less than five pounds debt or damage, such plaintiff or plaintiffs, in respect of such vexation in holding such defendant or defendants to special bail, shall have no costs of suit, but such defendant and defendants shall have his, her and their full costs of suit against the plaintiff and plaintiffs in such manner as if a verdict and judgment had passed for him, her or them against the plaintiff or plaintiffs, such costs to be taxed and recovered by cap. ad satis. or fieri fac. against such plaintiff or plaintiffs, and to issue out of the same Court where such discontinuance, nonsuit, verdict or judgment shall happen to be. And, whereas arrests and attachments are very oftentimes made by process out of inferior Courts when the cause of action does not arise within the jurisdiction of such inferior Courts, and the defendants are held to special bail therein, and such bail must be by persons living within the jurisdiction of such inferior Courts, which is very inconvenient and mischievous to the defendants, being very often absolute strangers within such inferior jurisdictions; for the remedy of which mischiefs for the future, be it enacted by the authority aforesaid that, from and after the said       day of       now next, no person shall be arrested, or his or her goods attached, by any process out of any inferior Court, unless the cause of action for which he or she

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shall be arrested, or his or her goods attached did arise within the jurisdiction of such inferior Courts; and all process[es], arrests, [attachmen]ts, proceed[ings], trials, judgments, [causes of] actions to be pr[illegible]d, made, obtain[ed or] executed in any inferior Courts in any Cause, matter, or thing not arisen [within] the jurisdiction of such inferior Court shall be and is hereby declared vo[id and, if on] the trial of any Cause in any inferior Court, it shall appear to the Judge o[f such] inferior Court before whom such Cause shall be had, did arise out of the jurisdiction of such inferior Court, the plaintiff or plaintiffs in every such Cause shall have no verdict in the said Cause, but shall thereupon be nonsuited, or a verdict shall pass for the defendant because the cause of action did not arise within the jurisdiction of such inferior Court] *from and after the first day of August in the year of our Lord 1701 in all actions of trespass and of assault and battery to be commenced in any such inferior Court in which no special pleadings shall be had or pleaded, nor wherein the Judge at the trial of the Cause shall not find and certify under his hand upon the record that the assault and battery was sufficiently proved by the plaintiff against the defendant, or that the trespass was wilful and malicious, the plaintiff in such action, in case the jury shall find damages to be under the value of forty shillings shall not recover or obtain more costs of suit than the damages so found shall amount unto. And whereas suits are very often commenced by process out of inferior Courts when the cause of action does not arise within the jurisdiction of such inferior Courts, and the defendants are had to special bail therein, and in all other suits there commenced of the smallest value, contrary to the usage of the Courts at Westminster, and such bail are insisted on to be persons living within the jurisdiction of such inferior Courts, which is very inconvenient and mischievous to the defendants, being very often absolute strangers within such inferior jurisdiction; for the remedy of which mischiefs for the future, be it enacted by the authority aforesaid that, from and after the said first day of August no suit shall be commenced against any person or persons by any process out of any inferior Court unless the cause of action did arise within the jurisdiction of such inferior Court; and, if on the trial of any Cause in any inferior Court or otherwise, it shall appear to the Judge of such inferior Court before whom such Cause shall be tried or depend (let whatsoever issue be joined therein that the cause of action did arise out of the jurisdiction of such inferior Court), the plaintiff or plaintiffs in every such Cause shall have no verdict in the said Cause, but shall thereupon be nonsuited, or a verdict and judgment shall be given for the defendant, because the cause of action did not arise within the jurisdiction of such inferior Court. And, where the debt or damages in any suit to be commenced in any inferior Court at the commencement of such suit do not amount to the value of forty shillings at the least, no person or persons shall be obliged to give any special bail to any action or plaint to be levied or brought in any such inferior Court or upon any habeas corpus or certiorari removing the same thence; and, if any person or persons, by virtue of any arrest or other process out of such inferior Court or habeas corpus or certiorari removing such Cause, shall be held to special bail, and the plaintiff or plaintiffs in such suit or process shall recover less than forty shillings debt or damages, unless the Judge or Judges, before whom such Cause or Causes shall be tried, shall certify that, at the time of the commencement of such suit, the plaintiff had a probable cause for the recovery of the sum of forty shillings or more, such plaintiff or plaintiffs, in respect of such vexation in holding*

*such defendant or defendants to special bail, shall have no costs of suit, but such defendant and defendants shall have his, her and their full costs of suit against the plaintiff and plaintiffs, in such manner as if a verdict and judgment had been given for him, her or them against the plaintiff or plaintiffs, such costs to be taxed, recovered and levied by capias ad satisfaciendum or fieri facias against such plaintiff or plaintiffs, and to issue out of the same Court where such verdict or judgment shall happen to be.\* Provided always that this Act or anything herein contained shall not extend to any Court or Courts of, in or belonging to the city of London, the customs and liberties thereof having been confirmed by divers Acts of Parliament.* [Read 1<sup>a</sup> this day and after a Second Reading, committed to a Select Committee, which on 23 May amended it as above. It was passed and sent to the Commons, who negatived the Second Reading. L. J., XVI. 660, 706. Com. Book. C. J., XIII. 591.]

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Annexed :—

(a) 23 May. Draft Bill substituted for the original Draft by the Select Committee this day. Its contents are shown in italics above. Com. Book.

(b) 23 May. Draft Clause, marked B, added to the Bill by the Select Committee this day. Com. Book.

1637. April 26. *Allen v. Duchy of Lancaster Attorney-General.*—Petition and Appeal of Thomas Allen, Esq., infant, by Stephen Barnes, Gent., his guardian, Elizabeth Allen, widow, Wm. Sherrard, Junr., and Wm. Wells. Petitioners, who are the terre-tenants of Oldfold, *alias* Oldfield, Gulemead, Sconderlands and the New Park, forming the manor of Oldfold *alias* Oldfield, of 1,400 acres, adjoining Endfield Chase, formerly Endfield Park, have had, time out of mind, common of pasture free in the Chase for their sheep and cattle and for 40 swine, 40 goats and 2 buck goats. For any others they have paid the same as the people of the town of Endfield. They have also had a right to hunt and hawk game started on their land, and to pursue it into the Chase. There are old deeds whereby one Arnold de Mandevil granted to one Henry de Frowick, his heirs and assigns, seven score acres of land, (wood measure, containing 20 feet in a perch), in the Close of Oldfold, with a certain way to Endfield Park, with all chases and easements, and with power to hunt all beasts of venery with dog and horn, as well as pheasants, partridges and other birds of warren, and to pursue into Mandevil's domains, and there catch, any game started on his own land. Humfry de Bohun, Earl of Hereford and Essex, confirmed to Frowick all the lands he bought of Mandevil in Southmynis, with right of common in the Park of Endfield, saving that none else of Southmynis should claim such common. By another deed the Earl confirmed the same land and liberties to Frowick, together with free common for 40 goats and two buck goats, paying for more the same as the people of Endfield. In 2 Hen. V. Endfield Park was annexed to the Duchy of Lancaster, and has since become Endfield Chase. The lands of Oldfold then passed to Ralph Waller, Esq., with reversion in fee to Henry Conesby, Esq., afterwards to Thomas Conesby, Esq., and then, for 7,600*l.*, to Thomas Allen, Esq., since a Knt., who was Appellant Thomas's grandfather. They now belong to Petitioner Elizabeth for life, as her jointure, with reversion to Thomas, and the rest of the Appellants are her under-tenants. In 8th Eliz., on a Bill in the Duchy Court exhibited by

\* The rest of the Bill consists of clause, marked B, Annex (b).



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the Crown against Mr. Waller for claiming common, the right was decreed to him and to Henry Conesby after him. In 22 Jac. I., on an Original Bill against Thomas Conesby, it was decreed that he should have common of pasture for seven score acres for all manner of cattle except sheep, and for 40 hogs and 40 goats and two buck goats; but he was debarred from hunting or hawking within the Chase. This Decree was ignored. In last November, on complaint that Petitioners depastured sheep in the Chase, a scire facias was issued, at the instance of some private persons, for reviving it. On 18 Feb. last Petitioners' plea of purchase, prescription and lapse of time was overruled, and the Decree was revived with 5 marks costs. This Decree ought to be discharged, because of the old decds, to which allusion has been made, and because the revived Decree was a reversal of the former one without a Bill of Review. Petitioners' right of inheritance ought not to have been taken away without a trial at law, and proceedings should have been deferred until Thomas came of age. Appeal against the Decree and pray the Attorney-General for the Duchy of Lancaster may answer, and a day be appointed for the Hearing. *Signed* Eliz. Allen, S. Barnes, Wm. Sherrard, Junr., Wm. Wells. *Countersigned* Wm. Dobyns, Wm. Barnesly. L. J., XVI. 661. [At the Hearing on 16 June *Mr. Dobyns* was heard for the Appellants. *Mr. Phipps*, for the same: The Decree itself cannot bind us. The words of it do not reach us. We ought to be put to a trial at law. We think the Decree in Q. Eliz. good, and that in King James's time not hurtful to us. They read their grants in Latin, and several rules and orders relating to marking sheep. *Mr. Cooper*, for the Respondent: The King by his Attorney revives the Decree of Q. Elizabeth by scire facias. We hope the Decree is well affirmed and well revived, and will be affirmed by your Lordships. *Mr. Pooley*, for the same: This was to extend to cattle that had right of common, but not sheep. These are not commonable cattle in a Chase. We have revived it in the right way and regularly, and their plea was not regular. *Mr. Dobyns*, in reply: The matter between us is whether a sheep be an animal or not, as mentioned in our grant. The Appeal was dismissed. MS. Min. L. J., XVI. 752.]

Annexed:—

(a) 6 May. Answer of Edward Northey, Esq., Attorney-General of the Duchy of Lancaster, on behalf of his Majesty. The Decree was revived on complaint of the officers of the Chase, and the objections against it are the same as those made and overruled before. These Appellants are in the same position as the persons against whom the former Decree was made, and are bound by it. *Signed* Edw. Northey. *Endorsed* as brought in this day.

1638. April 29. Dean and Chapter of Lincoln *v.* Pye.—Petition and Appeal of the Dean and Chapter of the Cathedral Church of Lincoln and Charles Newcomen, Gent. Francis Thorndyke, long deceased, in default of issue male of his only daughter Anne, entailed his lands &c. of Scamblesby, Great and Little Carletons and Castle Carleton, in Lincolnshire, (the Carletons worth over 140*l.* a year), on his brother Dr. Herbert Thorndyke and his heirs male, burdened with 1,000*l.* portion for Anne's daughter, or 500*l.* apiece, if she had more than one. Anne married Hugh Allington, Esq., and left an only daughter, Anne. Dr. Thorndyke, by a common recovery, docked the entail, and left the three Carletons to his cousin and executor Edward Buckley, for the use of his wife and family, subject to the charges in his brother's Will. He devised Scamblesby, worth then about 61*l.* a year,

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but now 48*l.*, to the late Dr. William Saneroft and the Appellant Neweomen, in trust to pay Anne, the granddaughter, 1,000*l.* at her marriage or age of 18, and in the meantime 60*l.* a year to her father for her education; and then to found a perpetual Vicarage of Seamblesby, in the patronage of the Dean and Chapter of Lincoln, and endow it with the fee simple of the lands. If, however, the Vicarage could not be founded, the profits were to go to the person serving the Cure. To enable these trustees to pay the 1,000*l.*, he made over to them a bond for 500*l.* due from the Chamber of London to Mr. John Needham in trust for him, with the interest, and also his Latin books. The proceeds were to go to the Vicarage if not needed for Anne, who was to receive only 60*l.* a year if she married before the 1,000*l.* could be raised. Anne died at the age of 14, notwithstanding which Richard Pye, Esq., and his wife Barbara, daughter of Hugh Allington by a second wife, under colour of a pretended Will of Anne leaving the 1,000*l.* to Barbara, brought a Bill in Chancery against the Appellants Saneroft, Buckley and others. They obtained a Decree on 11 Dec. in 9 Will. III. from Lord Somers, the late Lord Chancellor, declaring the 1,000*l.* a charge upon all the lands, etc., and that the Plaintiffs should be paid interest as from the death of Anne. It was referred to Sir Richard Holford, Knt., one of the Masters, to compute the interest of the legacy and the profits of the estate. The interest from Anne's death in 1681 to March 1697–8 was computed at 990*l.*, and the costs at 140*l.* The Decree was signed and enrolled. Since this, Buckley and his wife are both dead and their only daughter Elizabeth is now married to William Wolfe; and Pye has taken a security from the Chamber of London in his own name for the amount due to Thorndyke on the bond and the proceeds of the books, which were paid into the Chamber. Since that Decree, Pye obtained another from the Master of the Rolls, on 21 June 1700, against Appellants and the Wolfes, Nicholas Smith and others, for the sale of Seamblesby, to make up to Pye the insufficiency of the rent, the surplus, if any, to go the Vicarage. Appeal against these Decrees on the ground that the legacy was only contingent on Anne's marriage or reaching 18 years, or, if not, that the Carletons were equally liable for the legacy, and that the bond and the proceeds of the books were expressly devoted to the Vicarage in case of Anne's premature death. Pray that the Pyes and the Wolfes may be summoned to answer. *Signed* Ab. Campion, Dean, Jo. Mandevile, Chancellor, John Knighton, Sub-Dean, Charles Newcomen. *Countersigned* Jon. Squibb, T. Parker. L. J., XVI. 663. [The Appeal was dismissed for want of prosecution on 1 May 1702. L. J., XVII. 112.]

Annexed:—

- (a) 24 May. Answer of Richard Pye, Esq., and Barbara, his wife. The Decrees appealed from are just. They hope the Appeal will be dismissed with costs. *Signed* Rich. Pye. *Countersigned* T. Powys, Hen. Poley. *Endorsed* as brought in this day.
- (b) 26 May. Answer of William Wolfe and Elizabeth, his wife. Identical with preceding. *Signed* Will. Woolfe. *Countersigned* Edm. Brydges. *Endorsed* as brought in this day.

1639. May 5. Killiow's Estate Act.—Consent of Sir William Courtney [Courtenay], Sir Thomas Lear [Leere] and Mr. Hugh Forteseue\* to the Bill for the speedy payment of the debts of

\* These three gentlemen were also trustees for John Clobery, Esq. See No. 1475.



1701. Christopher Killiow and for raising portions for his brothers and sisters. *Dated* 5 March 1701. *Signed* W. Courtenay, Tho. Lear, H. Fortescue, with their Seals affixed. *Attested* Rob. Manley, James Codner, as to Courtenay; William Ash, James Codner, as to Lear; Hen. Scobell, Ja. Courthop, as to Fortescue. [Produced this day before the Select Committee. Com. Book. Consideration of the Bill was postponed, in order that Fortescue's absence from London might be proved. On 7 May *John Asterley* (sworn) said Mr. Fortescue is in Devonshire, that he sends letters to him there every week. Com Book. There were no amendments. The Bill was brought from the Commons on 15 April. Royal Assent 12 June. L. J., XVI. 652, 738. 13 Will. III. c. 20 in Long Cal.]

1640. May 6. *Purchase v. Wilkinson* (V. Hereford's Privilege).—Petition of Samuel Purchase, an orphan of the city of London. Petitioner's father, a freeman of the city, died about 16 years ago, leaving him 190*l.*, which was put out for him on security by the Chamber of the city. Alexander Ewster, the surviving security, paid the interest till his death, as the rest of the securities had died insolvent. Ewster left a great estate. His widow married Mr. John Wilkinson, who enjoys the said estate, but refuses to pay Petitioner either principal or interest, having obtained an injunction, since dissolved, against the Chamberlain of the city. Wilkinson now insists upon a protection under V. Hereford, which the latter refuses to withdraw, although Wilkinson is only a trustee to Ewster's estate as he has married his widow. Wilkinson has a considerable estate in Warwick Court, Holborn, that belonged to Ewster, where he dwells with his family. Prays for relief. *Signed* Samuell Purchas. [The Petition was offered on 29 April. MS. Min. Read this day. V. Hereford was heard, and said he [Wilkinson] was his servant, and he hoped he would keep him. MS. Min. 6 May. The Petition was then referred to the Committee for Privileges. L. J., XVI. 664, 669. On 15 May, at the Committee for Privileges, *Mr. Williams* opened the case for Petitioner. He said: By an Order of this House a Peer, if he be a trustee, has not Privilege. Our suit is against him as a testator [trustee]. The overplus of the estate, after debts paid, belongs only to him. He is a trustee as [and has] to pay the testator's debts. The privilege Wilkinson has in his own right will not protect as to the right he has for another. *Mr. Phipps*, for Wilkinson: The party who is bound in a bond cannot be a trustee, much less can his executor. If it be not a trust in the original creation, it cannot be so by any accident that follows afterwards. *Mr. Mallet*, for the same: The Chamber of the city of London is the proper trustee to the Petitioner. The Petitioner is the debtor. [*Counsel for Petitioner*]: Wilkinson is a trustee is [as] he is executor to Ewster. The law creates the trust. *Mr. Justice Powys* and *Mr. Justice Gold*, being present, are asked, whether an executor is not properly a trustee unless the Will of the testator has made him so, but as an executor at large? [*Mr. Justice Powys*] *Quatenus* an executor, we look not on him as a trustee. *Mr. Justice Gold*: I am of the same mind. An executor comes in the place of the testator. If a testator apply a particular estate to a particular use, then the executor is a trustee. *Ordered* to report that Wilkinson is no trustee and ought to be allowed Privilege. Priv. Book 15 May. L. J., XVI. 684–5. The Petition was thereupon dismissed.]

Annexed:—

(a) 15 May. The case of John Wilkinson, Gentleman of the Horse to V. Hereford, and who was also the same to the late Viscount

till his death. Petitioner's father, a citizen and upholsterer of London, left a widow, who soon after married one Lane, a fishmonger. Alexander Ewster and one Biggs became bound, together with Lane, to the Chamber of London that the orphan's estate should not be embezzled. In 1683 Ewster, unwilling to be bound any longer, applied to the Chamber to be discharged, and Mr. Gibson, the clerk of the orphans, sent to Lane to tell him so, and a fresh recognizance, vacating the former one, was taken, and Ewster was discharged, Lane paying the fees. Ewster had counter security of Lane, but on Gibson's certificate of discharge, delivered it up. Several years ago the Chamber put the new recognizance in suit, but the new recognizers proving insolvent, now wish to sue Wilkinson, who married Ewster's widow and executrix, and who did not think himself liable for the long vacated recognizance. All assets were exhausted in paying Ewster's debts, legacies and children's portions. Neither Ewster nor Wilkinson ever had one farthing of the orphan's estate, which was spent by his mother and Lane. The Chamber is trustee for the orphans. Ewster, if now alive, would not have been in the position of trustee for the orphan, but only of surety for Lane. Wilkinson, who stands in Ewster's place, cannot be called a trustee for the orphan. *Endorsed* as to be heard this day before the Committee for Privileges.

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1641. May 9. *Heron v. Sir Arthur Shaen*.—Petition of Mary Heron. Sir Arthur Shaen, Bart., for his own debt and that of Sir James, his late father, contracted in England, owes Petitioner and her late brother, Samuel Heron, merchant, over 20,000*l.*, and has received from his father enough to pay all his debts. Hearing that he was in England, she filed her Bill in Chancery and obtained a *ne exeat regno* against him, and got him arrested; but on ascertaining that he was protected by having an Appeal from Ireland pending in this House, she discharged him an hour after\*. Though his Appeal was heard on the 28th of last month, he insists that he is still under the protection of this House. Petitioner's totum is in his hands, and she is in danger of losing it, if she has to prosecute in Ireland, whither he is again returning. Prays for leave to prosecute Sir Arthur upon the *ne exeat regno*. *Signed* Mary Heron. L. J., XVI. 676, 680.

1642. May 9. *Earl of Orford's Impeachment*.—Articles of Impeachment against Edward, Earl of Orford, exhibited by the Commons for high crimes and misdemeanors. Brought up from the Commons and read this day. L. J., XVI. 672–674. *In extenso*. *Parchment Collection*. See No. 1615.

1643. May 9. *Recovery of Debts (Privilege) Bill*.—Draft of an Act for the greater ease of the subjects in recovering their just debts. For the better security of the estates and fortunes of all the people of England, and that the due course of law may not be obstructed by those grievous delays his Majesty's subjects may receive in any of his Courts of Law or Equity, and for their ease in the recovery of their just rights, Be it enacted by, &c., That from and after the            day of            any person or persons shall and may commence and prosecute any action or suit in any of his Majesty's Courts of Record or High Court of Chancery or other Court of Equity against any Peer

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\* See No. 1536.



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of this Realm or Lord of Parliament, or against any of the knights, citizens and burgesses of the House of Commons for the time being, or against their or any of their menial or other servants, or against any assistant or attendant of either House of Parliament at any time when the two Houses of Parliament are not actually sitting; and that the said respective Courts shall and may proceed to give judgment and award execution thereupon, any Privilege of Parliament to the contrary notwithstanding. Provided nevertheless that this Act shall not extend to take away the Privilege of any peer of this Realm or lord of Parliament or of any of the knights, citizens and burgesses of the House of Commons as to their persons at any time whatsoever. Nevertheless, if any person or persons having cause of action against any peer of this Realm or lord of Parliament, or against any of the said knights, citizens or burgesses, or against any of the assistants or attendants of either House of Parliament during the time of Privilege after any Prorogation or before any Sessions of Parliament, such person or persons shall and may prosecute such peer of this Realm or lord of Parliament, or knights, citizens or burgesses, or the assistants or attendants of either House of Parliament during such Privilege by summons and distress [infinite]\* or by original bill and summons, attachment and distress [infinite]\* thereupon to be issued out of any of the said Courts of Record, which the said respective Courts are hereby empowered to issue against them or any of them, until he or they shall enter a common appearance or file common bail to the plaintiff's action, according to the course of every respective Court. And be it enacted by the authority aforesaid that where any plaintiff shall, by reason or occasion of the actual sitting of Parliament, be stayed or prevented from prosecuting any suit by him commenced, such plaintiff shall not be non prossed for want of prosecution of the suit by him begun, but shall, from time to time, upon the rising of the Parliament, be at liberty to proceed to judgment. [Read 1<sup>a</sup> this day, and 2<sup>a</sup> and committed to C. W. H. on 13 May. L. J., XVI. 671, 680. The Bill was dropped in favour of a Bill for the same purpose, which was sent up from the Commons. See No. 1650.]

1644. May 13. Deal (Fresh Water) Act.†—Petition of William Warner, Gent. About two years since Petitioner obtained from Thomas, Archbishop of Canterbury, who is lord of the soil, a grant to furnish the town and port of Deal with fresh water, and he has also taken a lease from the corporation and others for 99 years for that undertaking, at 22*l.* yearly rent, and has already spent over 1,600*l.* upon the work, which is nearly finished. But William Rider, Esq., under pretence of a Patent from James II. of about 13 years standing, now pretends to a right to the same, though nothing passed by the said Patent, and he never laid out one penny on the waterworks. Prays to be heard against the Bill, now depending, to enable Rider to bring fresh water to Deal. *Signed* Wm. Warner. [Read this day, and Warner to be heard by Counsel before the Second Reading. L. J., XVI. 680. The Bill was brought from the Commons on 10 May. *Ib.* 677. On 21 May, Counsel were heard on above Petition. *Mr. Serjt. Hooke*, for the Petitioner: The Petitioner applied to the Archbishop to carry the water over his manor. The latter was satisfied, and granted a licence. He had a grant also from Deal, after they were incorporated. He has laid out 1,600*l.* He has agreed with his Majesty's Geographer to

\* Expunged

† See House of Lords MSS., Vol. III. (New Series), No. 1415.

perfect this work. *Mr. John Peir Williams*, for the same: This is a probing patent, and ought not to be allowed. The grant and lease read, and several witnesses heard. *Mr. Serjeant Selby*, for the Bill: This is a public good. What we do is no obstruction to Mr. Warner. *Mr. Phipps*, for the Bill: Mr. Rider is a purchaser for 2,500*l.*, and has no security but this Patent. The Patent read. *The Archbishop of Canterbury* heard. Articles of agreement read: We have expended 2,500*l.* for this good work. A bond read. Mr. Rider's agreement to bring the water read, as also a certificate from the townsmen of the goodness of the water and fitness to serve the Fleet. After Counsel withdrew, the *Abp. of Canterbury* was heard as to the Patent: This was got when the Bishops were in the Tower, and Archbishop Sancroft opposed it as much as he could. I have done the same. It has cost us near 700*l.* I have never opposed the water being brought to the town. I desire the Patent may be damned, if that's a good word. After debate, *Proposed* to read the Bill. *On Question* for the Second Reading? *Resolved* in the affirmative. Contents 39, Not Contents 31: Tellers, E. Sandwich, E. Stamford. Bill then read 2<sup>a</sup> and committed to C. W. H. MS. Min. 21 May. L. J., XVI. 697. On 30 May, in C. W. H., L. Jeffreys in the Chair, a letter to E. Romney from Deal, and a Petition from the town of Deal were read (Annexes (b) and (c)). *Ordered* to hear the town of Deal before the Report. The preamble was struck out. MS. Min. L. J., XVI. 713. On 4 June, Counsel were called in, and *Counsel for Deal* were asked who retained them from the town of Deal? They say one Mr. Weale retained them. *Mr. Weale* was asked, by what order he retained the Counsel? Counsel withdrew. After debate upon the mayor's consent or not, *Agreed* to call in the Counsel. *Mr. Serjeant Hooke* was heard for the town. Their petition and a representation of Deal to E. Romney were read. They have made Mr. Warner a lease. *Mr. John Peir Williams* heard for the town of Deal. *Henry Jackson* (sworn). A bond of Warner to Mr. Bremer read, dated 3 June 1701. *Mr. Serjeant Selby*, for the Bill: They have said but little that wants answering. *Mr. Phipps*, for the Bill: It is hard to distinguish the town from Mr. Warner. Counsel withdrew. The Bill was reported with amendments and read 3<sup>a</sup>. *Moved* to reject the Bill. *On Question*, Whether the Bill shall pass? *Resolved* in the affirmative. Contents 39, Not Contents 13: Tellers, L. Jeffreys, L. Mohun. MS. Min. Royal Assent on 12 June. L. J., XVI. 722. 13 Will. III. c. 22 in Long Cal.]

Annexed:—

- (a) 19 May. Further Petition of William Warner for a postponement of the Hearing, as Mr. Thomas Tuttell, engineer, one of his principal witnesses, is out of town for service of his Majesty and the public, and some other material witnesses from Deal cannot be in town in time for the Hearing appointed on the 19th. *Signed* by Petitioner. *Endorsed* as read this day. *Ordered* to be heard Wednesday next. L. J., XVI. 695.
- (b) 30 May. Petition of the Mayor, Jurats and inhabitants of the town of Deal. Mr. William Warner has begun a work for supplying the town with fresh water from the river called the Pinnock Wall or South Stream, and taken leases from the corporation and spent money for that purpose; and he has given security to finish the work in three months. Pray to be heard by Counsel against the Bill of Mr. Rider, who has spent no money in waterworks and has not obliged himself to pay any

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rent to the town. *Signed* Job Bowles, Mayor, Henry Gerard, Rector, and by 53 other persons. *Endorsed* Received from L. Mar. Normanby 26 May 1701. Read in C. W. H. 30 May, and in the House on 4 June. [*See Notes above.*]

- (c) 30 May. Letter from Deal, addressed, On his Majesty's Service, to Rt. Honble. Henry, E. Romney, at his house at St. James's, acknowledging his kind letter of 21st inst. "This place never was served with any other fresh water than from wells in and near the town, which being observed about 14 years ago, some persons were here who viewed two streams or little rivers of good fresh water. One goes by the name of the South Stream, one mile and a half from the town. The other, called the North Stream, about three-quarters of a mile distant from hence. Those persons did pretend they would bring the fresh water from the North Stream to Deal. For encouragement, some inhabitants signed a writing what sum annually they would pay for being furnished with water from the North Stream; and, as we are informed, one Mr. Rider is concerned in a Patent for that purpose. But for 12 years after Mr. Rider nor any concerned in the said Patent, (that we know of), has conferred with us or any of our inhabitants nor given us any satisfaction or reason of the cause of so long delay, whereby they concluded he had no further intention or design to erect any manner of waterworks to supply navigation and this place, nor have we since heard of the said Mr. Rider until two years ago; before which time one Mr. William Warner came here, (who was encouraged by many of the inhabitants), to undertake the bringing water to this place, which he promised to do in pipes from the South Stream. The said Warner about two years past began a work, first by making a well about 400 yards from the town, (as he calls a receptacle), to hold a quantity of water, which he promises shall correspond by wood pipes from the South Stream, *alias* Pinnock Wall, to the well, and from thence to be conveyed by other wood pipes to a cistern, intended to be in the middle of the town for the general supply. He has been at considerable expense and made a great progress therein, and has taken divers leases of grounds for that purpose at annual rents, and made a beginning of building thereon, with a design, as he informs us, to bring the fresh water in pipes from the South Stream to this town in three or six months. By the situation of the place the Downs is become one of the greatest ship roads in the world, and as navigation of England may increase and the consideration that for shipping fresh water is the greatest part of provisions they carry to sea, its goodness on all voyages as well as at home does much contribute to the health of the people. And to have at this place a full supply of fresh water from either of the before mentioned streams will be of mighty use and great accommodation to the subjects, they being both of equal goodness." Pray his Lordship that whoever has the preference may be obliged to erect three conduits in such places as the Mayor and Jurats shall think fit. *Dated* Deal, 22 May 1701. *Signed* by the Mayor and eleven others. *Endorsed* as received from E. Romney 26 May, and read in C. W. H. 30 May and in the House 4 May [June] 1701. All the signatories except one appear as signing the preceding Petition.

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No. 1645.

1645. 13 May. Naturalization (Bagneol, &c.) Act.—Amended Draft of an Act for naturalizing Peter Bagneol, Daniel Sinault and others. The persons included in the Draft end with Francis Martin, who had been struck out of Delagarde's Act (No. 1505), by the Commons; those added by the Select Committee are Peter Labilliere to Lovis Pelislier [Pelissier] inclusive, who appear in this Act, together with Peter Dupuy, son of John Dupuy and Priscilla, his wife, born at Damazan, in Guienne, in France, and Thomas St. Leger de Bacalon, son of Esteven de Bacalon and Mary, his wife, born at St. Leger, in Guienne, in France, neither of whom, however, appear in this Act, though both were naturalized later, the former in Benovad's Act (No. 1751) and the latter in De Bacalon's Act (No. 1730).<sup>\*</sup> The rest were added by the Commons. C. J., XIII. 636. [Read 1<sup>a</sup> this day. Royal Assent 24 June. L. J., XVI. 680, 769. 13 Will. III. c. 48 in Long Cal. See also Com. Book 19 May.]

Annexed:—

(a) 10 May. Petition of Lieut. Peter Bagneol and thirteen other officers belonging to Col. Foxe's Regiment of Foot, lately disbanded in the West Indies. Petitioners, being French Protestants, were forced on account of their religion out of their native country. They have served during all the late war in the said Regiment, on all occasions venturing their lives for the preservation of the Protestant religion and the good of England. Pray for leave to bring in a Bill to naturalize them. *Signed* Peter Bagneol, Daniel Sinault, Adr. Van Alphen, Rene Digoine, Isaac Drouart, Isaac Duplex, John Maret, Elias Tessier, Mathieu Hullin, John Farcy, John Darquier, Francis Courrand, Peter Mergarett [Margaret] and Robert Myré [Myre in Act]. *Endorsed* as read this day and leave given as desired. L. J., XVI. 677. The Petitioners were all included in the Draft Bill. Their Certificates were produced and proved before the Select Committee on 19 May. Com. Book. They were all naturalized by this Act. For Certificates see Annex (c).

(b) 15 May. Petition of Thomas St. Leger de Bacalan and seven other reformed officers and soldiers. They are French Protestants, and forced out of their native country on account of their religion. They have served in the English army during all the late war, venturing their lives for the Protestant religion and the Kingdom. To the end they may be qualified for the service at this juncture, they pray to be added to the pending Naturalization Bill. *Signed* Thomas St. Leger de Bacalan, Peter de Bruse, Louis Pelissier, Isaac de Bruse, Peter de Labilliere, Charles le fanu De Cresserons, John de la Valade [Valide], Peter Dupuy. *Endorsed* as read this day. L. J., XVI. 685. Petitioners, except De la Valide, who does not appear in any of these Naturalization Acts and who did not produce any Certificate, were all added to the Bill by the Select Committee on 19 May, when their Certificates, except that of Isaac de Bruse, an infant, were produced and proved. Com. Book. They were all naturalized by this Act, except De Bacalan and Dupuy, who were naturalized later (see first paper).

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\* Dupuy and de Bacalon were probably struck out of the Bill by the Commons, although there is no mention of the fact in C. J.



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(c)  $\frac{19 \text{ May}}{18 \text{ June.}}$  Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz:—

(1) Peter Bagneol, on 4 May 1701, at the Parish Church of St. Martin's Westminster. *Signed* Tho. Yates, Minister, Will. Howard, Churchwarden. *Dated* eod. die. *Attested* by Daniel Sinault and Isaac Drouart.

(2) Daniel Sinault. *Attested* by Isaac Drouart and Peter Bagneol. Rest as in (1).

(3) René Digoine. *Attested* by John Maret and Isaac Duplex. Rest as in (1).

(4) Isaac Drouart. *Attested* by Daniel Sinault and Peter Bagneol. Rest as in (1).

(5) Isaac Duplex. *Attested* by René Digoine and John Maret. Rest as in (1).

(6) Adrian Van Alfen, on 27 April 1701. *Attested* by Eliezer Minte and Francis Claris. Rest as in (1).

(7) John Maret. *Attested* by René Digoine and Isaac Duplex. Rest as in (1).

(8) Elias Tessier, on 11 May 1701. *Signed* Tho. Yates, Minister, Isa. Godfrey, Churchwarden. *Attested* by Lewis Galand and Francis Courrand. Rest as in (1).

(9) Robert Myre. *Attested* by Elias Tessier and Caesar Duportail. Rest as in (8).

(10) John Darquier, on 20 April 1701, at the Royal Chapel at the Savoy. *Signed* John Dubourdieu [Dubordieu], Minister, John Deffray, D. Pringle, Churchwardens. *Dated* eod. die. *Attested* by Peter Margareett and John Lewis Gidoin.

(11) Peter Margareett [Margaret in Act]. *Attested* by John Darquier and John Lewis Gidoin. Rest as in (10).

(12) Matthew Hullin. *Attested* by John Farcy and Mark Anthony Vaissière. Rest as in (6).

(13) John Farcy. *Attested* by Matthew Hullin and Mark Anthony Vaissière. Rest as in (6).

(14) Francis Courrand. *Attested* by Lewis Galand and Elias Tessier. Rest as in (8).

(15) Francis Martin, on 18 May 1701. *Attested* by William Hawkins and Jeremiah Crowther. Rest as in (8).

[The above persons were included in the Bill as originally introduced. The numbers in brackets refer to the number endorsed on each Certificate.]

(16) Peter Dupuy. *Attested* by Charles le fanu Decresserons and Lewis Pelissier. Rest as in (10).

(17) Peter la Billiere [De Labilliere in Act]. *Attested* by Peter Bruse and Thomas St. Leger de Bacalan. Rest as in (10).

(18) Charles le fanu de Cresserons. *Attested* by Peter Dupuy and Lewis Pelissier. Rest as in (10).

(19) Thomas St. Leger de Bacalan. *Attested* by Peter de Bruse and Peter Labillière [la Billière]. Rest as in (10).

(20) Peter Bruse [de Bruse in Act]. *Attested* by Thomas St. Leger de Bacalan and Peter de Labillière. Rest as in (10).

(21) [Isaac de Bruse, an infant, son of Peter de Bruse. No Certificate.]

(22) Lewis Pelissier [Lovis Pelislier in Act]. *Attested* by Charles le fanu de Cresserons and Peter Dupuy. Rest as in (10).

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[The above persons were added to the Bill by the Select Committee on 19 May. The numbers in brackets refer to the number endorsed on each Certificate. All these Certificates (1)–(22) were produced and proved before the Select Committee. Com. Book.]

James Perot. *Attested* by Stephen St. Paul and Louis Fouronne. Rest as in (15).

Henry Gardie, on 1 June 1701. *Attested* by Jean Housset and William Gray. Rest as in (8).

Michael De la Roche [La Roche in Act], on 25 May 1701. *Attested* by John Simion Delaheuze, John Rabaud and D. Moreau. Rest as in (8).

John Dalmas. *Attested* by Peter Bagneol and Isaac Drouart. Rest as in (1).

Eloy Demoriamé Fontaine, on 4 May 1701. *Signed* Israel Antony Aufrère, Minister, John Deffray, D. Pringle, Churchwardens. *Attested* by Benjamin Duroy, Peter Malié and Benjamin Malide. Rest as in (10).

Peter Malié. *Attested* by Eloy de Moriamé Fontaine, Benjamin Duroy and Benjamin Malide.

[The above persons were added by the Commons to the Bill which they returned on 18 June. L.J., XVI. 757. See C. J., XIII. 636.]

(d) 19 May. Paper of amendments made in the Select Committee this day. Com. Book.

1646. May 14. Wentworth v. Lord Raby.—Petition and Appeal of the Honble. Thomas Wentworth, Esq. In 20 Jac. I. Appellant's grandfather, Thomas, Earl of Strafford, granted to his two brothers, William and John Wentworth, a rent of 270*l.* a year. After redemption of 100*l.* for 1,000*l.*, the remaining 170*l.*, upon the death of the two brothers, came to William's son, Sir William Wentworth, father of the Respondents Thomas, Lord Raby, Mrs. Anne Wentworth and others. After Earl Thomas's death, his sons, William, Earl of Strafford, made Sir William, in conjunction with Dr. Hall, one of his commissioners, (for the setting and letting only), of his Irish estate, for three years at a salary of 200*l.*, and during that time and at other times Sir William received large sums from the Earl's tenants of which the Earl knew nothing, pretending to lend them, and got the Earl to execute eleven deeds making him a debtor in 11,662*l.* to Sir William, and another mortgage to him for 12,000*l.* All the time he was receiving bounty from the Earl for the supply of his pretended necessities. The Earl called Sir William to account, and the latter gave Dr. Hall an account, from which it appeared that no consideration had been given for the 12,000*l.* mortgage, but that it was only a pretence to protect the Earl from an unjust claim of 4,000*l.*; and as to the eleven deeds, it appeared that, though Sir William's claim on account of the 170*l.* rent had been satisfied by the transfer to him of a mortgage on E. Kildare's estate for 700*l.*, claims of pretended arrears on that account, with compound interest at 10 per cent., made up 7,000*l.* of the 11,662*l.* After an attempt at an amicable arrangement, Sir William brought ejectments for the mortgaged lands, the Earl in 1685 exhibited his Bill in Chancery in Ireland to bring him to account,



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No. 1646.

and Sir William a Cross Bill for the 11,662*l.* and the 12,000*l.* After hearings before Lord Chancellors Fitton and Porter, and Decrees thereon, and after many hearings before Lord Chancellor Methwin, and references to Masters Sir John Topham, Sir John Coghill, Dr. Mullineax and Mr. Usher, in the course of which proceedings the Earl and Sir William died, the Cause was revived by Appellant as executor to his uncle, the Earl, against the present Respondents. Lord Chancellor Methwin pronounced five Decrees, on 15 July and 8 and 21 Nov. 1699, and 29 Nov. and 13 Jan. 1700–1, against which, as well as against an Order of the Commissioners of the Great Seal, of 21 Feb. 1700–1, and the several Masters' reports thereon, Petitioner appeals in so far as they (1) restrict him from travelling into the considerations of the deeds and mortgages, (2) direct the payment of interest upon interest, which Sir William had disclaimed in his letters, (3) disallow two sums of 20*l.* and 249*l.*, (4) direct the payment of the rents into Court, and (5) excuse Respondents from accounting for the money received by Sir William from the times of the receipt thereof; and prays for stay of proceedings below. *Signed* Th. Wentworth. *Countersigned* Hen. Poley, R. Freeman. L. J., XVI. 684. [The Appeal was heard in part on 28 Feb. 1701–2, when *Sir Thomas Powys* and *Mr. Pooley* were heard for the Appellants, and read several documents. Proposed to read a Decree in 1649, which was opposed and desisted from. They read the Answer of Sir William Wentworth, which relates to what Dr. Hall says, he did believe he gave Dr. Hall a schedule thereof. A debate arose between the Counsel, whether Sir Wm. Wentworth's Answer should be read? Counsel withdrew. *Proposed* to be read. *Agreed* that what was read below may be read here. Counsel called in and told so. They read that part of it which was read below. Several other papers, &c., read. They read a receipt for 20*l.* which was proved to be read before a Master. *Mr. Cooper*, for L. Raby: I desire to be heard as to how it stands upon the mortgage deeds. Counsel withdrew upon this account, it being very late. *Proposed* to hear the Cause further on Monday next. *Ordered* accordingly. On 2 March *Sir Thomas Powys* desired to be heard to a sum omitted the last day, and was heard to [it], and they read several things. Then *Mr. Cooper* proceeded for L. Raby: To have what they desire they must stultify the late E. Strafford. They would have it he was imposed on with the eleven deeds successively; and he was to be imposed on in these, and not in his Will, as they say. *Mr. Dobyns*, for the Respondents, after reading several documents: L. Strafford did promise 4,000*l.* per annum to us. They read Thomas Waterhouse to the four interrogatories. *Sir Thomas Powys*, in reply: The whole Cause depends on this, whether this schedule shall be allowed or not, whether this is a true schedule. The Appeal was then dismissed. MS. Min. L. J., XVII. 51, 54.]

Annexed:—

- (a) 19 Jan. 1701–2. Answer of the Rt. Honble. Thomas, Lord Raby and Anne Wentworth, his sister, to the Appeal of Hon. Thomas Wentworth, *alias* Watson, Esq. The rent of 270*l.* was out of lands in Yorkshire. The arrears arose out of their father's tenderness for the Earl's difficulties. The mortgage on E. Kildare's estate yielded only 567*l.* instead of 700*l.*, and Sir William was a sufferer also by the difference of exchange in payments in England and Ireland. Six of the mortgages, amounting to 7,295*l.*, were given to Sir William before he became commissioner, which he was for 6½ years, at a salary of 300*l.*, well earned, as he improved the Earl's estate at the expense of his own, and sent over 4,000*l.* to the Earl in

England. One of the 11 mortgages was as security for 3,400*l.* for redemption of the rentcharge of 170*l.* Sir William trusted too much to the Earl's honour, and took no vouchers for the money he remitted to him; and he was equally negligent with regard to an arrangement whereby he joined with the Earl in barring the entail of his estate, so that, by selling part thereof, the Earl's necessities might be relieved, in consideration for which the Earl was to settle the remainder for the support of the honour of Raby, which, on failure of the Earl's male issue, would come to Respondents. This the Earl failed to fulfil, to Lord Raby's disherison and great wrong. Sir William's report to Dr. Hall ought not to be of any credit. The Earl was extravagant and was prejudiced against Sir William. The 20*l.* was discounted when Sir William was in England with the Earl, and the 249*l.* was the balance of three accounts between Sir William and Sir Joshua Allen, and had nothing to do with the Earl. The order to pay the rents into Court was because Appellants, by the sale of the woods, were lessening the value of Respondents' security. The order of the Lords Commissioners of 21 Feb 1700-1 was that the money in Sir William's hands during his agency should not bear interest, but that before and after should do so; and the Appeal has suspended the Master's report ordered thereby. Pray it may be dismissed with costs. *Signed* Raby. *Countersigned* James Sloane. *Endorsed* as brought in this day.

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No. 1646.

1647. May 16. E. Macclesfield's Bill.—Petition of the Rt. Honble. Charles, E. Macclesfield. Charles, the late Earl, together with Petitioner, his eldest son in consideration of a marriage intended between Petitioner and Mrs. Anne Mason, conveyed divers manors and lands to Sir Henry Hobart, Bart., and Richard Mason, Esq., as trustees in April 1683. Both the trustees are dead, Sir Henry being the survivor, and his heir an infant, and no recoveries were ever suffered. The marriage took place, but was dissolved by Act of Parliament, which provided that the settlement should hold good except as to Anne Mason and her issue, who were to be as if they had never been, or were naturally dead.\* No recovery can now be had, by reason of the infancy of Sir Henry Hobart, and Petitioner, being about to make a new settlement in consideration of marriage, prays leave to bring in a Bill for that purpose. *Signed* Maclesfeld. L. J., XVI. 687. [The Bill was brought in on 17 May. *Id.* 688. On 3 June, in Select Committee, E. Stamford in the Chair, Mr. Fitton Gerard's Petition, referred to the Committee, is read. *Mr. Dias*, for Mr. Gerard: The Bill makes E. Macclesfield absolutely tenant in fee simple, so that Mr. Gerard will have no more pretence to the estate settled by his father than if he were a stranger. L. Macclesfield is now only tenant for life, and, if he die without issue male, the estate, as now settled, is in Mr. Gerard, who has also a right to 4,000*l.* which this Bill takes away from him. All the heirs of the late Earl are absolutely cut off by this Bill. *Mr. Price*, for the Earl: There was such a settlement by the late Earl as is said by Mr. Gerard. My Lord can make no settlement while the late Countess of Macclesfield is living. *Mr. Richard Whitworth* (sworn) says he waited, by E. Macclesfield's order, on Mr. Fitton Gerard with two Bills before this Bill was brought in. He showed him the agreement the Lord [Macclesfield] and he had made, and he consented to it. He has

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\* House of Lords MSS., Vol. III. (New Series), No. 1197.



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No. 1647. heard my Lord say he would do anything for him, and he told Mr. Gerard so. Reads a paper purporting an agreement between them, which Mr. Gerard himself dictated. *Mr. Dias* takes exception to it as not being signed, nor on stamped paper. Besides, this Bill is not in pursuance to this paper agreement. *E. Macclesfield*, being present, says he will proceed no farther on the Bill. *Ordered* to report that it appeared to their Lordships by Mr. Whitworth that Mr. Fitton Gerard had notice of the Bill before it was brought in, notwithstanding his allegation in his Petition to the contrary. Com. Book. This Report does not appear to have been made, and there are no further proceedings recorded.]

1648. May 19. L. Soñers's Impeachment.—Articles of Impeachment against John, Lord Soñers, exhibited by the Commons for high crimes and misdemeanours. Brought up from the Commons and read this day. L. J., XVI. 689–694. *In extenso. Parchment Collection.* See No. 1615.

1649. May 20. *Yate v. Fettiplace*.—Petition and Appeal of William Yate, Esq. Sir Rowland Lacey was seised in fee of real property worth 1,200*l.* a year. He mortgaged part of it, the manor of Pudlicott, Oxford, to Henry Heylin for 6,000*l.*, and entailed it on his only son Rowland, and gave a life rent of the rest of his real estate to his lady, Arabella, with remainder to his son. He also had a personal estate of 1,400*l.* In 1690 he made his Will, whereby he devised to his wife and Sir Edmund Fettiplace and Charles Fettiplace certain coppices and leases for lives, to be sold for payment of his debts, and left his daughter, Arabella, a portion of 4,000*l.* if she married with the consent of his widow or the trustees, otherwise only 1,000*l.* He intended expressly to leave his wife his personal estate, but having made her sole executrix, thought it unnecessary. After his death the daughter, Arabella, died at the age of six, and her mother became entitled to a moiety of her portion of 4,000*l.*, as well as the surplus of Sir Rowland's personal estate. Appellant married the mother, who made a Will in his favour, whereby he became entitled to the moiety of the portion and the surplus. For this, as well as for 150*l.* he had paid on account of Sir Rowland's debts, he preferred a Bill in Chancery against the trustees and the infant for the sale of the trust property; they preferred one against him for the personal property in his hands; and Elizabeth Silvester and Edward Keeble, creditors of Sir Rowland, preferred one for payment of their claims out of the real and personal estate. After a hearing before the late Lord Chancellor, Sir John Hoskins, Kt., and Bart., one of the Masters, certified Sir Rowland's debts at his death at 8,671*l.*, the 150*l.* to have been paid by Appellant, the personal estate at 1,200*l.*, of which 387*l.* had been disposed of by the wife, and the rest was in Appellant's hands, the trust estate, available to be sold, at 3,635*l.*, and that the debts then amounted to 7,430*l.* besides interest. After a hearing on 30 Oct. in 11 Will. III., the late Lord Chancellor allowed the Appellant's claim for 1,500*l.*, disallowed that for the surplus of the personal estate, and reserved that for the moiety of the portion. On a rehearing on 31 Jan. the Lord Keeper gave a similar Judgment, and on 14 March decided the reserve point against Appellant. Appeals against these Orders and prays that the trustees, the infant, and the creditors may be ordered to answer. *Signed Will. Yate. Countersigned J. Hooke, W. Barnisley.* L. J., XVI. 695. [At the Hearing on 18 June *Mr. Serjeant Hooke* and *Mr. Dobyns* were heard for the Appellant, and *Sir Thomas Powys* and *Mr. Pooley*

for the Respondents. The Appeal was dismissed. MS. Min. L. J., 1701.  
XVI. 757.]

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No. 1649.

Annexed:—

(a) 2 June. Answer of Sir Edmund Fettiplace, Bart., Charles Fettiplace, Esq., Rowland Lacey, Esq., an infant, by Sir Edmund, his next friend and guardian, Elizabeth Silvester and Edward Keeble. The Orders appealed from are just. Pray the Appeal may be dismissed with costs. *Signed* Phil. Price. *Counter-signed*, Hen. Poley, Hen. Collett. *Endorsed* as brought in this day.

(b) 4 June. Petition of same. Have put in their Answer, and pray for a short day for the Hearing. *Signed* Phil. Price, pro Respondents. *Endorsed* as read this day. L. J., XVI. 722.

1650. May 20. Privilege Act.—Draft of a Clause added this day by the Lords on Report from C. W. H., which, with the amendments of the Commons, set out in C. J., XIII. 569, and with the addition of the words, against the King's original and immediate debtor, forms Section IV. of the Act for preventing any inconveniencies that may happen by Privilege of Parliament. L. J., XVI. 695. [The Bill was brought from the Commons on 14 May. L. J., XVI. 681.—On 16 May, in C. W. H., V. Longueville in the Chair, the first enacting clause was read. *Proposed* to hear Judges, how they take these words, actually sitting.\* 1 Skin, l. 21, leave out from the word, time, to the word, sitting, in l. 22, and read the words, after any prorogation of parliament, or after any adjournment of parliament for more than 14 days; l. 23, after the word, may, add the words, after such prorogation or adjournment as aforesaid. *Proposed* to adjourn this Bill to Monday next, and that the Judges in the meantime consider of the Bill. That the Judges prepare clauses on the debate. C. W. H. adjourned accordingly. On 19 May the House proceeded on the first enacting clause. Some clauses offered as amendments to the Bill taking Ecclesiastical Courts. They were read. 1 Skin, l. 16, after the word, equity, add the words, or in the Court of the Arches, the Prerogative Courts of Canterbury and York, the Court of Admiralty and the Delegates, and all Courts of Appeal; l. 15, after the word, Record, add the words, at Westminster, and instead of the words, other Courts of Equity,† read the words, Court of Exchequer or the Duchy Court of Lancaster; l. 24, instead of the words, orders and decrees, read the words, orders, decrees and sentences. Clause agreed as amended. The next proviso read, for protecting the persons of lords. 1 Skin, l. 28, leave out the words, of any peer of this Realm or lord of Parliament or‡; l. 37, after the word, any, add the word, dissolution; l. 39, leave out the words, such peer of the Realm or lord of Parliament.§ *Agreed to* as amended. The next clause read. The last clause read. Amendment made in 2 Sk., l. 31.|| A clause drawn by the Judges for the King to have process. The clause read and to be added at the end of the Bill (Section IV.). Another clause agreed (Annex (a)). The preamble read. Amendment

\* The words were the last of a passage erased in lines 21, 22, between the words, Privilege of Parliament at any time.

† These words stood in the Roll originally after the words, Court of Chancery or.

‡ These words came between the word, person, and the words, of any of the knights, &c., in Section ii, l. 1.

§ After the words, prosecute such, in Section ii, ll. 10, 11.

|| Addition of the words, dismissed nor his suit discontinued, in Section iii, l. 3.



1701. made in 1 Sk., l. 1.\* The title read. *Agreed to.* Ordered that the Report be made to-morrow. MS. Min. The Bill received the Royal Assent on 12 June. L. J., XVI. 738. 12-13 Will. III. c. 3 Fol. Ed.]

Annexed:—

- (a) 20 May. Draft of a Clause added this day by the Lords, on Report from C. W. H. It forms Section V. of the Act. L. J., XVI. 695.

1651. May 21. Limitation of the Crown, &c., Act.—Draft Clause as follows:—That no King or Queen of England that shall succeed by the the force of this Act shall create or make any Peer of England that does not settle and annex by Act of Parliament to his honour the sum of \_\_\_\_\_, not to be alienated or disposed without consent of Parliament. *Endorsed* as offered to be added to the Bill, for the further limitation of the Crown and better securing the rights and liberties of the subject, this day and rejected. [The Bill was brought from the Commons and read 1<sup>a</sup> on 14 May. L. J., XVI. 681. On 21 May, in C. W. H., Bishop of Sarum in the Chair, the title and preamble were postponed. The first enacting clause read. *Proposed* to report, as the opinion of the Committee, that the Heralds attend. The *Question* was put, Whether this clause shall stand part of the Bill? *Resolved* in the affirmative. The first enacting clause was read. *Agreed to.* The second clause to the ninth clause inclusive read. *Agreed to.* Tenth clause read, concerning the laws for securing Religion ratified and confirmed. *Agreed to.* Then the above clause was offered to be added to the Bill, concerning Peers being made without a settlement by Parliament. The clause was read. The *Question* put, Whether the clause now offered shall be read second time? *Resolved* in the negative. A clause offered that no woman be created a Peeress in her own right (Annex (a)). Read. The *Question* was put, Whether this clause shall be read second time? *Resolved* in the negative. The preamble and title were then read. *Agreed to.* The Bill was reported without amendment. MS. Min. L. J., XVI. 697. Royal Assent on 12 June. *Ib.* 738. 12 & 13 Will III. c. 2 Fol. Ed.]

Annexed:—

- (a) 21 May. Draft Proviso as follows:—Provided also that no woman whatsoever be created a Peeress of this Realm in her own right. *Noted Rejected.* [Offered this day in C. W. H. and rejected. See Notes above. MS. Min.]

1652. May 22. Davison's Estate Act.—Consent of William Pennyman and William Lambton, the executors, Alexander Davison, Thomas Davison, Margaret Davison, William Davison, Joseph Davison and James Davison, the children, and John Crosby, as guardian for the last three, and William Wilkinson, to the Bill. William Davison, of Durham, Esq., left by his Will to his younger sons Alexander, Thomas, Charles, William and Joseph 400*l.* each, and to his only daughter 500*l.* on their attaining the age of 21, or, in the case of Margaret, on her marriage, and 20*l.* a year in the meantime to be raised out of the profits of a twelfth of the Stella Grand Lease Colliery, at Ryton and Kyefield, and on Elvet House, near Durham. On his death, his eldest son Ralph who succeeded to his property, finding that the profits would not suffice, as the colliery was hazardous to work and worth little, and the letting value of the house was 14*l.* a year, made a Will giving the

\* Substitution of the words, the King or his, for other words.

same portion to James, the youngest son, not provided for by his father's Will, and leaving an additional 500*l.* to his sister. He entailed the property on his brothers and their issue male, Pennyman and Lambton being named executors to raise out of the whole property the necessary funds for paying Ralph's debts and the legacies, and for that purpose to sell premises at Thornly, which had been mortgaged to Arthur Prescott, who had transferred his mortgage to William Wilkinson, of Durham. Ralph died in 1699, after having paid Charles his portion. Alexander is married and his wife is likely to live. Thomas, the third son, is to receive 200*l.* more for consenting to the sale of Thornly. An agreement was entered into for this purpose, which cannot be carried out without an Act of Parliament. *Dated* 1 Feb. 1700-1. *Signed* by all the consenting parties. *Attested* Tho. Conyers, Ro. Hilton, Matt. Henderson. [Produced this day before the Select Committee, and proved by Conyers, Hilton, Henderson and Lambton. Com. Book. The Bill was brought from the Commons on 25 April. Royal Assent on 12 June. L. J., XVI. 660, 739. 13 Will. III. c. 24 in Long Cal.]

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No. 1652.

1653. May 23. *Glover v. Seignoret*.—Petition and Appeal of Gabriel Glover, of London, merchant. In December 1696, Petitioner contracted to sell Mr. Nathaniel Herne, of London, merchant, 1,000*l.* capital stock of the Bank of England for 830*l.* in Bank bills, then worth 700*l.* in ready money. For that purpose he bought the stock from one Stephen Seignoret, of London, merchant, for 600*l.*, under a written agreement in Feb. 1696-7 to transfer the same amount of stock to Seignoret, if required to do so within six months, after which time Petitioner might, on giving ten days' notice, transfer the stock for 600*l.* and in addition whatever sums he had paid to the Bank, but deducting the dividends he had received. Soon afterwards the Brokers' Act\* was passed, which rendered void all contracts for transfers, except such as were to be performed within three days. While the Bill was pending, Petitioner informed Seignoret that, if passed, it would make their contract void, and that he was ready to make the transfer for 600*l.*; but Seignoret refused, claiming the right to do so during the six months. After the Act was passed, Seignoret exhibited his Bill in Chancery to compel the transfer of the stock and dividends. On 30 Nov. last the Lord Keeper decreed the performance of the agreement, and it was referred to Dr. Edisbury, one of the Masters, to ascertain what Petitioner had paid the Bank and what dividends he had received. Appeals against the Decree, as the agreement was made void by the Act, and, if not, Chancery should have left Seignoret to his remedy at common law. Petitioner also should have received interest for his 600*l.* Prays for stay of proceedings below. *Signed* Gabriel Glover. *Countersigned* E. Jennings, Ber. Ellis. L. J., XVI. 699. [At the Hearing on 20 June, *Mr. Cooper* and *Mr. Dodd* were heard for the Appellant, and *Sir Thomas Powys* and *Mr. Pooley* for the Respondent. The Appeal was dismissed with 20*l.* costs. MS. Min. L. J., XVI. 762.]

Annexed:—

- (a) 30 May. Answer of Stephen Seignoret, of London, merchant. Appellant came to him at the Orphans' Fund, and borrowed the stock, leaving 600*l.* cash as security. He never offered to make the transfer back to Respondent, who thereupon served a note

\* 8 and 9 Will. 3, c. 32 Fol. Ed.



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upon him at his dwelling in Cornhill, calling upon him to make it. The agreement to transfer the stock to Herne was made with Peter Movillion, merchant, not with Appellant. Sir Nathan. Wright, Knt., the Lord Keeper, found that this was a mere loan, and did not fall under the Act. Appellant was so much pleased with the transaction that he wished to repeat it. Nothing was said about interest in the agreement. Prays the Appeal may be dismissed with costs. *Signed* Stephen Seignoret. *Countersigned* Nicho. Hardinge, Jun. *Endorsed* as brought in this day.

1654. May 24. Edwards's [Edwarde's] Decree Confirmation Bill.—Commons' Engrossment of an Act for confirming a Decree made in Chancery between John Edwards, Gentleman, Complainant, and Sir Francis Charlton, Bart., and others, Defendants. Recites the Will of Alice Bromwich, the purchase of the estate of Worswall, in Cheshire, (omitting the details of the property), and the subsequent indentures sextipartite, quinquupartite, and quadrupartite. The Bill then goes on to recite that, by reason of the precedency of the sextipartite deed, Edwards, who had advanced money to one of the Defendants, could not sell the premises. He therefore, brought his Bill in Chancery against Charlton and the other parties to the indenture, and obtained a Decree from the Master of the Rolls, on 24 Feb. in 11 Will. 3, for the sale of the premises, to be approved by Master Pitt, for payment of the 450*l.*, the disbursements he had made, and the costs of the suit, the residue to be applied as directed by the Will. By reason of the infancy of the residuary legatees, the sale cannot take place without an Act of Parliament. The Bill, therefore, enacts that the Decree be established, ratified and confirmed and be obliging and conclusive to all parties concerned. Then follows the general saving clause. *Parchment Collection*. [Brought from the Commons, read 1<sup>a</sup> and rejected this day. MS. Min. L. J., XVI. 706. See No. 1725.]

1655. May 24. Naturalization (Cordoso, &c.) Act.—Amended Draft of an Act for naturalizing Gasper Cordoso, Herman Van't Wedde and others. The Draft includes only the two above-named persons. The Select Committee on 2 June added the names, as they appear in the Act, from Sbuelen to Zimmerman, *alias* Carpenter, inclusive. The remaining persons in the Act were added by the Commons. C. J., XIII. 630. [Read 1<sup>a</sup> this day. Royal Assent 24 June. L. J., XVI. 700, 769. 13 Will. III. c. 49 in Long Cal. See Com. Book 2 June.]

Annexed :—

- (a) 23 May. Petition of Gasper Cardoso and Herman Van't Wedde, Protestants and considerable traders, who have brought their effects into this Kingdom in order for their continual residing here. Have testified their loyalty to the King and Kingdom, and pray leave to bring in a Bill to naturalize them. *Signed* by Petitioners. *Endorsed* as read this day. L. J., XVI. 699. Petitioners were the two included in the Draft Bill. Their certificates were produced and proved before the Select Committee on 2 June. Com. Book. They were naturalized by this Act. For Certificates, see Annex (e).
- (b) 27 May. Petition of Michell Verelst. The Petitioner is a Protestant, and has testified his loyalty to the King and the good of this Kingdom. Has married an Englishwoman and resided

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here for several years with his family. Prays to be naturalized. *Signed* Michell Verelst. The Petition is also signed by John Carpenter whose name and signature appear to have been added in another hand. *Endorsed* as read this day. L. J., XVI. 708. Petitioners were added to the Bill by the Select Committee on 2 June, the latter as John Christian Zimmerman, *alias* Carpenter, when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (e).

(c) 27 May. Petition of Peter Masson, a French Protestant, who was forced out of his native country on account of his religion, whereupon he took sanctuary in this Kingdom, where he has lived near 20 years and desires to spend the remainder of his days. Has always expressed his zeal for the Protestant religion and the good of this Kingdom. Prays to be added to the pending Naturalization Bill. *Unsigned. Endorsed* as read this day. L. J., XVI. 708. Petitioner was added to the Bill by the Select Committee on 2 June, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (e).

(d) 2 June. Papers of Amendments made in the Select Committee this day. Com. Book.

(e)  $\frac{2}{14}$  June. Certificates that the following persons have received the Sacrament, according to the usage of the Church of England, viz. :—

(1) Gasper Cardoso [Cardoso in Act], on 11 May 1701, at the Parish Church of St. Martin's, Westminster. *Signed* Tho. Yates, Minister, Isa. Godfrey, Churchwarden. *Dated* eod. die. *Attested* by Simon Francia and Jeremiah Crowther.

(2) Herman van't Wedde, on 11 May 1701, at the Parish Church of St. Peter's, Cornhill. *Signed* Will. Beveridge, Minister, Ralph Palmer, Churchwarden. *Dated* eod. die. *Attested* by John Gentrey and Robert Calcott.

[The above two persons were included in the Draft Bill. The numbers in brackets refer to the number endorsed on each Certificate.]

(5) Jacob Frederic Jordis\* and John Baptiste Mayer [Mayers in Act], on 25 May. Rest as in (2).

(7) Peter Mason [Masson in Act], on 18 May. *Attested* by Roger Worrall and Jeremiah Crowther. Rest as in (1).

(8) Michael Verelst. *Attested* by Paul Margarett and John de Ligonier. Rest as in (7).

(9) John Christian Zimmermann, *alias* Carpenter, on 30 March. Rest as in (2).

Certificates that the following persons received the Sacrament, according to the usage of the Protestant Church, viz. :—

(3) Gerard Sbuclen [S. Buclen in Act], from Hamburg, on 28 May 1701, at the High German Church, London. *Signed* John Esdras Edzard, Minister. *Dated* eod. die. *Attested* by August Sigismond Jonas and Philip Sklagmann.

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\* The name of Jordis does not appear in the Act.



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(4) John Peter Hanker, from Hamburg, on 4 May 1701. *Dated* 21 May. *Attested* by Jno. William Lutkens and Philip Sklagmann. Rest as in (3).

(6) John Backoffer, from Nuremburg. Rest as in (3).

[The above persons were added to the Bill by the Select Committee on 2 June. The numbers in brackets refer to the number endorsed on each Certificate. The Certificates were produced and proved before the Select Committee. Com. Book.]

Certificates that the following persons received the Sacrament, according to the usage of the Church of England, viz. :—

John Bowmer, Gent., on 1 June 1701, at the Parish Church of St. Margaret's, Westminster. *Signed* Robt. Dobyns, Minister, Thomas Blysett, Churchwarden. *Dated* eod. die. *Attested* by William Canninge and Henry Roberts.

Michael Bowmer, on 25 May 1701. *Attested* by Arnold Bush and James Trellebois. Rest as in (1).

Gedeon Leglise [Gideon Leglise in Act], on 25 May 1701, at the Royal Chapel of the Savoy. *Signed* J. Dubourdieu, Minister, John Deffray and D. Pringle, Churchwardens. *Dated* eod. die. *Attested* by Gidion Benoist and Matthew Bertin.

[The above persons were added by the Commons to the Bill which they returned on 14 June. MS. Min. No entry in L. J. See C. J., XIII. 630.]

1656. May 26. Kelly v. Navy Victuallers.—Petition of John Kelly, late supervisor of the bread in the Victualling [Department]. Petitioner made divers discoveries of bread used in the Navy made of undue mixtures, such as pease, rye, horsebeans, &c., which practice has been and is still used in the Navy, to loss of several thousands of sailors destroyed by such mixtures. Petitioner has used all ways possible to do the nation and sailors justice in this point, but without success. Prays the House to hear the matter of fact, which he is ready to prove. *Signed* John Kelly. [Read this day. *Ordered* that the Victuallers of the Navy be heard on 4 June. L. J., XVI. 707. On 3 June Richard Terlesse, Junior, Gent., and Henry Goodwin, baker, were ordered to attend. *Ib.*, 720. On 4 June the Victuallers of the Navy were called in. *Mr. Manne*: This charge has been two years standing. I had leave to prosecute this man. I have judgment against him. It was twice heard before the Navy Commissioners. We have a verdict against him, and he is escaped. I hope I shall have liberty to prosecute him to vindicate myself. The Petition was then rejected. MS. Min. L. J., XVI. 722.]

1657. May 26. Viscountess Cashell's Estate Act.—Lord Bulkeley's Consent, in consideration of 72*l.* agreed to be paid to him by John Meyricke, Esq., one of the trustees of the Lady Bulkeley,\* in satisfaction of all demands, to the Bill to enable the Rt. Honble. Elizabeth, Lady Bulkeley to sell certain lands, in the county of Devon and city and county of the city of Exon, for the payment of debts. *Dated* 31 March 1701. *Signed* Bulkeley. *Witnessed* J. Vaughan, Rich. Vaughan. [Produced and proved before the Select Committee this day. Com. Book 26 May. The Bill was brought from H. C. on 7 May. Royal Assent 12 June. L. J., XVI. 669, 738. 12 Will. III. c. 11 in Long Cal.]

\* This lady was the second wife of Richard V. Bulkeley of Cashell.

1658. May 27. New Ross (Export of Wool).—Petition of the Sovereign Recorder, Free Burgesses and Protestant inhabitants of the corporation town of New Ross, in the county of Wexford, Ireland, whose names are signed in behalf of themselves and other Protestant inhabitants thereof. The late Act\* to prevent the exportation of wool into foreign parts, names the port of Waterford, and not the town of Ross, and the Revenue Commissioners in Ireland have interpreted it to exclude the latter from making entries or shipping off wool or woollen manufactures, though before that Act it did so in great quantities, being made by an ancient charter a staple town for exporting wool to England, and chiefly depending on that trade. Petitioners believe it never was their Lordships' intention to exclude New Ross, as Waterford and Ross lie on the several rivers which unite about 10 miles within the harbour's mouth, the fort of Passage being situated about 3 miles below the junction on the Waterford side, and the fort of Duncannon about 2 miles lower on the Ross side, both forts being equally concerned in preventing the exportation of wool into foreign parts from either of the towns. Pray for leave to bring in a clause in any Bill, to allow them the liberty to export wool to England as formerly. *Signed* by twelve persons.

1701.

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No. 1658.

[Read this day and referred to the Select Committee on the Minehead Bill. L. J., XVI. 708. The Committee considered this Petition on 28 May, but did not think fit to do anything thereon. Com. Book.

1659. May 28. Writ of Summons (E. Lindsey).—Writ of Summons to Robert, E. Lindsey, Lord Great Chamberlain of England. *Dated* 20 May. [Sat first in Parliament this day after the death of his father. L. J., XVI. 710.]

1660. May 28. Tipping's (Lucretia)s' Estate Bill.—Commons' Engrossment, marked for amendment, of an Act for vesting the estate of Lucretia Tipping, an infant, in trustees, that they, upon her marriage, may sell the same for a portion upon a settlement to be made on her and her issue. Recites (1) an indenture of 16 Oct. 1656, between Edward Cosyn, of High Holborn, Middlesex, Esq., since deceased, of the one part, and William Trye, of Hardwick, Gloucestershire, Esq., Frances Trye, his daughter, Thomas Kinnersley, Esq., and Thomas Trye, Gent., of the other part, limiting the manor, &c., of Charley, Leicestershire, to the use of Edward Cosyn till his marriage with Frances Trye, then to her for life, for her jointure, with remainder to the others during Cosyn's life in trust to support contingent remainders, remainder to Cosyn's issue and his heirs and assigns; (2) the marriage of George Tipping, of the Middle Temple, Esq., to Elizabeth Cosyn, Edward's only daughter and heir; (3) indentures tripartite of lease and release, of 20 and 21 June 1687 between the said Edward Cosyn, of Hillsley, Gloucestershire, Esq., of the first part, Sir Thomas Tipping, late of Whitfield, Oxon, Knt., deceased, and William Tipping, Esq., of the second part, and George Tipping of the third part, whereby Cosyn conveyed messuages and lands in Hillsley to Sir Thomas and William Tipping, in trust to pay him out of such estate, worth 10*l.* 10*s.* a year, 30*s.* a year, and 20*l.* a year for the education and maintenance of Lucretia Tipping, only daughter of George and Elizabeth Tipping, up to the age of 12, and 50*l.* to the age of 13, any residue going to George

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\* 10 Will. III. c. 16 Fol. Ed.



1701.

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No. 1660.

Tipping; and after Lucretia was 13 the whole profits were to be in trust for her and her issue, failing whom, for her father, his heirs and assigns; and they were to hold the capital messuage, worth 1,000*l.*, in trust for Cosyn till Lucretia came of age or was married, and then for her and her heirs, failing whom, for Cosyn; (4) the death of Edward Cosyn and Frances, his widow, and also Elizabeth Tipping, leaving issue only Lucretia, now about 15; (5) indentures of lease and release, of 2 and 3 Nov. 1696, between Edward Cosyn, of Bromley, Kent, Gent., Thomas Rawlins, of Marston Longa, Gloucestershire, Gent., and Francis Mason, of Bidford Grange, Warwickshire, Gent., (dead before the indentures were executed), of the one part, and Lucretia of the other, pursuant to Decree of the Court of Exchequer of 22 May in 6 Will. and Mary, conveying lands, &c., in Hillsley to Lucretia and her heirs in fee simple or fee tail, with power to convey them in fee simple to a purchaser, barring all remainders, which she cannot do by reason of her minority; (6) an advantageous marriage proposed for her, with her father's consent. Enacts that all the aforesaid property be vested in George Pitt, of Stratfield Sea, in the county of Southampton, Esq., Francis Stonehouse, of Great Bedwyn, Wilts., Esq., and Edward Harley, Charles Cox, and Robert Dormer, of Lincoln's Inn, Esquires, in fee simple, in trust, after her marriage, to sell them and pay the purchase money to her intended husband for her marriage portion upon his making jointure and settlement upon her and her issue, the purchaser to have a good title in spite of the indentures and her minority, and against her and her heirs and those of her grandfather, Edward Cosyn. If she die under age or unmarried, the trust to cease and determine. But, until the marriage settlement is made, persons claiming under the indentures may receive the rents of any premises limited to them thereby. Then follows the general saving clause. *Parchment Collection*. [Brought from the Commons this day. Read 1<sup>a</sup> on 29 May and 2<sup>a</sup> and committed on 31 May. L. J., XVI. 710, 712, 713. On 13 June, in Select Committee, inquiry is made if any appear against the Bill, printed cases being delivered against the same, but none appearing, the Bill is read by paragraphs. *Mr. Web* says Mr. Tho. Webster, a Turkey merchant, (who has bought Copthall of E. Dorset and paid for it), is the person who is in treaty with Mr. Tipping for the marriage of his daughter. *Mr. Massam* says he gave 13,000*l.* for that estate. He has also another good estate. *Mr. Web*: Mr. Webster is to lay out 21,000*l.* in an estate to be settled, and Mrs. Tipping is to have 8,800*l.* jointure. *Mrs. Lucretia Tipping* says she knows the Bill is for the sale of the estate and a settlement to be made, and consents to it. On 18 June *Edward Cosyn* consents to the Bill, and says he has but an estate for life in the manor of Charley, and the inheritance was to go to his children, but he has no child. *Mr. Williams*, Counsel for the Bill, says the end of it is to make Mrs. Tipping a better match. If she marry before 21 she can make no settlement. The trustees are not to sell till she is married, neither is any part of the money to be paid to Mr. Tipping, nor is it to be paid to her husband till he has made a settlement, and in the interim she herself is to have the benefit of the estate. *Mr. Cosyn* says he has conveyed his estate to Mr. Tipping, as Sir Fran. Pemberton advised. After debate of the 1st enacting clause, Mr. Tipping and his Counsel were ordered to turn the clause which enables the sale of the estate into a clause to enable Mrs. Tipping to settle the same upon her husband upon her marriage, as if she were of age. The Select Committee was adjourned on June 19 and 20, but no further proceedings are recorded. Com. Book June 13, 18, 19, 20.]

1661. May 30. *Yates v. Lewis*. Petition and Appeal of James Yates and Mary, his wife. Lewis Morgan, brother of Mary Yates, inherited from his father a real estate of 300*l.* a year, but, no provision having been made for his three sisters, their mother gave up part of her estate to him, and he entered into three bonds to pay allowances to them. The three sisters, being infants of tender years at the time, did not hear of the bonds till some years after their mother's death, and as their brother was sickly and they did not wish to disoblige him they did not put the bonds in suit. Lewis Morgan fell into the hands of the Respondent Richard Lewis, and was induced to leave his whole estate to him, though no relation, and by a codicil charged the lands with payment of 15*l.* a year for life to each of his sisters. As Respondent refused to pay Appellant the money secured by her bond, James Yates brought an action upon it and obtained a verdict. Respondent, in order to be relieved of this verdict and have the other two bonds delivered up exhibited his Bill and obtained a declaration from the Master of the Rolls that the annuities were in full satisfaction of the bonds. He also decreed that the bonds should be given up. Appeal from the Decree. *Signed* by Appellants. *Countersigned* Wm. Dobbys, Cha. Coxe. L. J., XVI. 712. [The Cause was heard on 24 Feb. 1701-2 and the Decree reversed. *Mr. Dobbys* and *Mr. Dodd* appeared for the Appellants and *Mr. Solicitor* and *Mr. Price* for the Respondents. MS. Min. L. J., XVII. 45.]

1701.

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No. 1661.

Annexed:—

(a) 4. June. Petition of William Peyton, Gent., asking for further time for Respondent to put in his answer to the Appeal, as he lives in Monmouthshire. *Endorsed* as read this day. *Ordered* ten days longer. L. J., XVI. 722.

(b) 16 June. Answer of Richard Lewis, Gentleman. Appellants obtained a judgment against Respondent by mistake in the pleadings. Lewis Morgan's lands in the parish of Langenoy, Breconshire and elsewhere, are worth not more than 120*l.* a year and he had contracted debts amounting to 1,200*l.* His sisters by ill language and an unbecoming behaviour had very much disoblged him, but by their desire Respondent and other friends prevailed upon him to see them and to leave them annuities by a codicil to his Will. Respondent proved the Will and paid debts, legacies and expenses amounting to 1,200*l.* The bonds to the sisters were obtained by fraudulent practices during the testator's minority, and from the time when they were entered into till Morgan's death, more than 20 years afterwards, no money was demanded upon them. The Decree is just and equitable. Prays that the Appeal may be dismissed with costs. *Signed* by Respondent. *Countersigned* Geo. Clive. *Endorsed* as brought in this day.

(c) 18 June. Petition of Respondent that the Appeal may be dismissed with costs as the Cause is only of 60*l.* value and Appellants have not entered into a recognizance or given security for costs. *Endorsed* as read this day. L. J., XVI. 756.

(d) 3 Feb. 1701-2. Petition of Appellant James Yates, asking for the appointment of a day for the Hearing, the Prorogation having intervened before the day fixed in June last. *Endorsed* as read this day. *Ordered* to be heard on the 17th inst. L. J., XVII. 25.

(e) 19 March. Petition of Respondent. By the Order, made on 24 Feb., Petitioner is to pay Appellants within a month their



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No. 1661.

principal, interest and costs at Law and in Equity. Hopes it was not intended to apply to the other defendants in Chancery who submitted to the Decree, and prays that the Order may be explained so as only to extend to relieve the Appellants. *Endorsed* as read this day. MS. Min.

1662. May 30. Vaughan's Marriage Act.—Consent of the persons who executed articles for the marriage of William Vaughan and Franees Vaughan, and other things therein contained, to the Bill to enable William Vaughan and Frances Vaughan, his intended wife, (being both under the age of one and twenty years), to perform articles made for their marriage. *Dated* 20 May. *Signed* Wa. Vaughan, Mary Vaughan, Silvanus Vaughan, Henry Vaughan, Francis Vaughan, William Vaughan. [Produced this day before the Select Committee on the Bill. *Mr. Morgan*, a member of the House of Commons and brother-in-law to Mr. Vaughan, said, on 28 May, that he knew the parties were consenting, and the production of their consent was ordered. Com. Book May 28, 30. The Bill was brought from the Commons on 10 May. Royal Assent 12 June. L. J., XVI. 676, 739. 13 Will. III. c. 33 in Long Cal.]

Annexed:—

(a) 30 May. Petition to the House of Commons of William Vaughan, Gent., an infant, by Walter Vaughan, of Trebarryed, in the county of Brecon, Esq., and Mary Vaughan, his guardians and next friends, and Franees Vaughan, an infant, sole daughter and heir of John Vaughan, late of Heryest, in the county of Hereford, Esq., by Silvanus Vaughan, clerk, Henry Vaughan, Gent., John Lewis, Esq., and John Edwards, clerk, her next guardians and friends. In articles of a marriage agreement of 13 Jan. 1699 it is agreed that a marriage is to take place between William Vaughan and Franees Vaughan, and Walter Vaughan and Mary Vaughan have covenanted that several manors, &c., in the parishes of Hay Bailth, Llanvechan and Llandeny Coombe, in the county of Brecon, should be settled as jointure on Franees; but, by reason of William's infaney, they cannot perform the articles without an Act of Parliament. Pray leave to bring in a bill for the purpose. *Signed* as preceding paper, with the addition of Jo. Edwards and John Lewis. *Endorsed* as read [in H. C.] 18 Feb. 1700. C. J., XIII. 337. [Produced this day before the Select Committee. Com. Book.]

1663. May 30. Minehead Harbour Act.—Petition of the Mayor Alderman and Common Council of the borough of Bridgwater, in the county of Somerset, praying to be heard by Counsel against a clause in the Bill for the recovering, securing and keeping in repair the harbour of Minehead for the benefit and support of the navigation and trade of this Kingdom, which they conceive to be [to] their great prejudice and contrary to an Act of 9 & 10 Will. III. *Signed* Tho. Musgrave, Mayor. *Sealed* with the Borough Seal. [Read this day, and nothing done on it. MS. Min. No entry in L. J. The Bill was brought from the Commons on 22 May. Read 3<sup>a</sup> and passed this day. Royal Assent on 12 June. L. J., XVI. 698, 712, 738. 13 Will. III. c. 8 in Long Cal. See Com. Book 28 May.]

1664. May 31. Saint Martin's-in-the-Fields Improvement Bill.—Commons' Engrossment of an Act for the better improving a certain

piece of ground in the parish of Saint Martin-in-the-Fields and for other the purposes therein mentioned. The Bill is identical in most respects with the later Act.\* In the Bill, however, Sir Thomas Mompesson and others are named instead of James Dewy, Esq., and others as the persons in whom the acre is vested. In the Bill the words, 109 feet in length from east to west, are added to the description of the ground to be thrown into Heming Row, and the name of Isaac Godfrey is given instead of Edward Chapman as one of the Churchwardens. With reference to the payment of rents, the words, as have or has been formerly and now are or is reserved and payable to the said parish or more, are inserted in the Bill instead of the words, as can reasonably be had for the same. The words, or majority of the same, after the word, vestry, are left out in the Bill, whilst the words, and that other part of the said ground before this time used for a churchyard with the said ground under the said library and free school left for a burying place as aforesaid to the churchyard, are inserted. The clause in the Act dealing with future acquisitions, preceding the general saving clause does not appear in the Bill. *Parchment Collection*. [Brought from the Commons this day. Reported without amendment. Read 3<sup>a</sup> and passed on 5 June. Royal Assent refused 12 June. L. J., XVI. 714, 723, 739. See Com. Book 4 June. See No. 1670].

1701.  
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No. 1664.

1665. May 31. Mallock's Estate Bill.—Commons' Engrossment of an Act to enable the sale of the estate of Rawlin Mallock, Esquire, deceased, for discharging the moneys, debts and charges thereupon. Recites that Rawlin Mallock, late of Cockington, Devon, deceased, was seised of the manors, &c., of Cockington and Chilston, *alias* Chiliston *alias* Shilston, barton farm and demesnes of Cockington, the Great Meadow, Cockington, the manor, barton and farm of Stantor, *alias* Stontor, and Yeabsley tenement, in Marledon parish, and the manors of Broadclist and Smalrudge, *alias* Smalridge, all in Devon, and Fiddington, in Somerset, the church, &c., and sheaf and advowson of Tormoham [Tor Moham] and Cockington, Devon, which, on his marriage with Elizabeth Collens, only daughter and heir of Sir John Collens, of Chute Lodge, Wilts., he conveyed to Collens, Humphrey Norbourne, Gabriel Whistler, Edmond Davey and Thomas Brooking, in trust, as regards all the aforesaid estates, except the manors of Cockington, Shilston and Smalrudge, for his use, then for his wife as her jointure, then for their heirs male, with remainder to his right heirs, and with regard to the manors of Cockington and Shilston, for him and the heirs male of him and his wife Elizabeth successively; that Mallock in 1864 confirmed this settlement, and added a power to dispose of the estate by Will, failing issue male; that Mallock, burdened some other real property he possessed with debts exceeding its value, and in 1688 leased the rectory and sheafe and advowson of Cockington and Tormoham and Yeabsley tenement and Stantor to Dr. Edmond Davey, of Exeter, Roger Mallock, of Exeter, goldsmith, and Giles Inglett, of Chudleigh, Devon, Gent., for 99 years, if Rawlin Mallock, his son, Roger Mallock, since dead, and Roger Mallock, his son, should so long live, to pay out of the rents thereof the outstanding debts; that by indentures between himself and his daughter Rose Mallock, spinster, and between himself and Thomas Brooking, merchant, and Humphry Waldron, Gent., both of Exeter, he settled two annuities of 100*l.* a year upon her, charged on

\* 1 Anne c. 45 in Long Cal.



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the premises before mentioned. That in 1688 he made his Will, appointing Davey, Brooking and Inglett, his executors, who were to sell all his real estate for payment of his debts, and, with regard to the property included in the marriage settlement, to carry out its provisions as to his issue male, failing which they were to hold in trust for his kinsman Roger Mallock, of Exeter, goldsmith, subject to the two annuities for his daughter Rose, then for Roger's sons Rawlin, Roger and Richard and their respective issue male, then to Roger, the father, his heirs and assigns, with power to holder to make leases for lives or years limited by lives, not dishonourable of waste. After this Rawlin incurred several fresh debts, and died 9 Aug. 1690, leaving issue by Elizabeth only Rawlin, who entered as tenant in tail and enjoyed the property free from the trusts, debts, rent-charges and annuities. In 1691 Henry Adams, of Stoke Gabriel, and Richard Cockey, of Totnes, both in Devon, clothiers, with several other creditors brought a Bill in Chancery against Rawlin Mallock, Sir John Collens, and the executors and trustees, to have the benefit of the two trust leases, which were ordered to be assigned to them, to enable them to go to law in the trustees' names, saving them harmless, for the recovery of their debts; but this Decretal Order was never passed, being overridden by Rawlin Mallock's claim to the leases. Roger died in 1695, and Rawlin, the younger, in 1699 without issue, so that the estates passed to Rawlin, Roger's son; but as they are subject in law to the incumbrances charged on them, and possibly the debts, there may be a Chancery suit which will prejudice all parties; and Rawlin has borrowed 2,000*l.* to pay off a debt to the King on a bond. The rents are not sufficient to pay off the incumbrances. Rose has agreed to accept 2,500*l.* in lieu of her annuities, with interest at 6 per cent. on 1,800*l.* till paid. The unsecured creditors named in the Chancery Decree are willing to forego interest, and Rawlin is willing to pay them their principal by the sale of the settled estate, which requires an Act of Parliament. The Bill, therefore, enacts that all the above-mentioned property be vested in Gilbert Yard, of Bradley, Esq., Francis Shephard, of Walton, Esq., Robert Jeffery, of Ashburton, Gent., John Sess, of Ottery Saint Mary, Gent., and John Barber, of Topsham, yeoman, all in Devon, free of the two annuities, in trust to sell it, or part of it, and pay their own expenses, 100*l.* a year to Rawlin Mallock, free of rates and taxes, during the continuance of the trust, and also the cost of procuring the Act, and the 2,000*l.* he had borrowed to pay off the debt to the King; 2,500*l.* to Rose Mallock, with interest as agreed; 700*l.* to Robert Walker, of Exeter, Esq., and Francis Shephard, of Walton, Esq., which they are to pay to Richard Mallock at his majority, paying the interest in the meantime to Frances Mallock for his maintenance, and, in case Richard dies while Rawlin is alive or has left issue male, they are to divide it equally between Robert, Frances, Ann, Grace and Margaret Mallock, children of Roger Mallock and Frances, his wife, or, in case Rawlin die without issue male before Richard is 21, between Rawlin's daughters, Frances Mallock, the widow, getting 500*l.* for her younger children's support. The trustees are then to pay the debts not secured by other than the two trust leases, and they are to give Rawlin Mallock 500*l.* to build a new house on the barton of Stantor, if unsold. The balance of the money realised, if any, is to be devoted to purchasing land which, together with the unsold lands, is to be settled in the same manner as the lands to be sold. The trustees are to retain their expenses out of the estate and are only to be liable for their individual defaults. Rose's claim to her annuities is to determine, but she or her trustees may sue for arrears and distrain. The two leases made by

Rawlin Mallock and Giles Inglett for 99 years, together with the fee simple, are to vest in Jeffery, Sess and Barber, and the creditors are to have no claim to them, on being paid their principal, without interest. The leases, &c., made by the two younger Rawlins, under the elder Rawlin's Will, are to stand. Then follows the general saving clause. *Endorsed* Rejected 24 June 1701. *Parchment Collection*. [For proceedings on the Bill, see No. 1667.]

1701.

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No. 1665.

1666. June 3. V. Kilmorey's Estate Act.—Consent of Charles Needham, uncle of Robert, V. Kilmorey, to the Bill to enable V. Kilmorey to settle manors, &c., in England, upon his marriage. Petitioner is the only person having any estate in remainder in the lands, &c., mentioned in the Act, limited by the settlement of Thomas, the late Viscount, and father of the present Viscount. *Signed* Charles Nedham. *Witnessed* Jo. Parker, Tho. Starkey. [Produced this day before the Select Committee. The Bill was brought from the Commons on 16 May. L. J., XVI. 687. Read 2<sup>a</sup> and committed on the following day. *Ib.*, 689. Received the Royal Assent on 12 June. *Ib.*, 738. 13 Will III. c. 12 in Long Cal. Com. Book.]

1667. June 3. Mallock's Estate Bill.—Petition of Nathaniel Pinney, of Axminster, Devon. Petitioner in 1690 bought a tenement called Cleeves, parcel of the manor of Smallridge, for 300*l.*, for three lives, by copy of Court Roll, from Rawlin Mallock, Esq., then in actual possession and reputed absolute lord of the manor, but has been ejected by dormant settlement and private conveyances among the Mallock family. Prays to be heard by Counsel upon Rawlin Mallock's Bill for the sale of the manor, that he may be named amongst the creditors and have his purchase money repaid him. *Signed* Nathl. Pinney. [Read this day, and referred to the Select Committee on the Bill, which was brought from the Commons on 31 May. L. J., XVI. 715, 720. On 20 June, in Select Committee, L. Jeffreys in the Chair, Mr. Mallock's deeds were perused. Rawlin Mallock, Rose Mallock and Elizabeth Busing, the principal creditor, gave their consents. Dr. Walrond's Petition was read. *Mr. Phipps* and *Mr. Sloane* spoke on behalf of the executors, and offered a clause which was read. *Mr. Gibbons*: If the real estate prove short, we can have no benefit of the personal estate. *Mr. Phipps*, for the executors: The King's Extent is subsequent to our administration. On 21 June *Counsel for Bill*: The executors of Rawlin Mallock are not prejudiced by the Bill. *Mr. Phipps*, for Smith, against the Bill: The Bill vests the estate in new trustees, without paying the old trustees their expenses. The Petition of Mallachy Mallock is read. *Mr. Sloane* for the Petitioners: We have a warranty on these lands. The Bill takes it away. *Mr. Cooper*, for the Bill: This Bill leaves his client in as good a condition as before. There is a general saving. *Mr. Sloane*: This general saving saves only estates. Mr. Pinney's Petition is read. On 24 June the enacting clauses are read. *Mr. Phipps*: There is a clause in the Bill that divests the old trustees of the trust, and takes no care to repay them the charge they have been at. *Mr. Cooper*: For so much as they have expended they are creditors, and will have remedy. Mr. Sydenham's Petition is read. *Counsel for Mallock* pray Mallock may produce his title: We can produce a writing that shows our title to part of the estate. We desire a particular saving. *Mr. Sloane*, for Mallachy Mallock, &c.: The estate the Bill would sell is subject to our general warranty. *Mr. Cooper*: The warranty will not be affected by this Bill. Mr. Walrond's clause is read and rejected, as also that offered by Smith on behalf of the old trustees, and the



1701. saving offered by Mallachy Mallock, &c., and that on behalf of Sir Jo. Collins, for whom nobody appeared. Com. Book. The Bill was reported without amendment on 24 June. *On Question*, Whether it should pass? It was rejected. MS. Min. L. J., XVI. 768.]
- No. 1667.

Annexed:—

- (a) June 3. Petition of Mallachy Mallock, Josias Denning, Thomas Turner, William Callway, John Knight and Henry Stephens. In 1688 one Samuel Mallock, whose heir the Petitioner Mallachy Mallock is, and the other Petitioners purchased of Rawlin Mallock, Esq., since deceased, several lands, with warranty. Rawlin Mallock, Esq., son of Roger Mallock, deceased, has brought in a Bill for sale of these among other lands, although he has no title thereto. Pray to be heard by Counsel against the Bill as to the lands they purchased. *Signed* by the Petitioners. *Endorsed* as read this day. L. J., XVI. 720.
- (b) June 10. Petition of John Walrond, of the city of Exon. Doctor of Physic, on behalf of himself and the executors of Rawlin Mallock, of Cockington, Devon, Esq., deceased. Prays to be heard by the Committee on the Bill, which will be very prejudicial to him unless amended. *Signed* by Petitioner. *Endorsed* as read this day. L. J., XVI. 733.
- (c) June 12. Petition of Thomas Smith and others, the trustees of Rawlin Mallock, late of Cockington, Esq., the elder, deceased. The said Rawlin conveyed to Petitioners the equity of redemption of the sheaf and rectory of Cullumpton and other estates in Devon and Exeter, then in mortgage to Sir Edward Seymour, Bart., in trust to pay his debts by the sale thereof, after paying their own costs and charges. Shortly before the passing of Mallock's Bill in the Commons a new clause was added, which Petitioners had no time to come and oppose. This clause substituted new trustees for Edmond Davey, M.D., Edward [Gilbert] Yard, Esq., and Thomas Smith, the old trustees, without providing for their costs, which have been large, by reason of law suits. Pray to be heard by Counsel on the Bill, to have a clause added reimbursing them their costs and indemnifying them for their lawful acts in executing their trust. *Signed* Thomas Smith. L. J., XVI. 739. *Endorsed* as read this day.
- (d) 24 June Petition of Richard Sydenham, Esq., and Grace, his wife, daughter and heir of Sir Henry Cary, deceased. Cary, in the time of Charles I., had estates worth 5,000*l.* a year. He raised and maintained two regiments of foot and one of horse at his own charge for the Royalist cause, thereby contracting great debts, and so far hazarding his life that he was forced to fly the Kingdom, after having, in 1653, conveyed great part of his estate to one Roger Mallock, Esq., deceased, in trust to pay his debts and raise portions for his children; and to protect the rest of his estate he conveyed it to Mallock under colour of a mortgage, or as collateral security. The debts have never been paid, nor has any provision been made for Petitioner Grace or any other children, pursuant to the trust. The estate has come into the hands of Rawlin Mallock, Esq., and, by the Bill before the House, is to be sold for payment of the debts contracted by the Mallocks. Petitioners can produce an effectual defeazance for the rectory and sheaf of Tormoham

and Cockington, and the rest of the lands are under similar defeazances or trusts. Petitioners are thus reduced to great poverty, and pray to be heard by Counsel, to be assigned them by the House, and that all Cary's deeds to Mallock may be produced for their perusal, and their just rights particularly saved. *Signed* by Petitioners. [Read this day before the Select Committee. Com. Book.]

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No. 1667.

1668. June 5. Glynn v. Quick (In Error).—Writ of Error and Transcript of Record, with suggestion of Error, dated 12 June, annexed. Alexander Quick, Gent., sued Sir William Glynn, late of Amersden, Oxon, Bart., Sir James Clarke, late of East Molesey, Surrey, Knt., Robert Pococke, late of Long Ditton, Surrey, clerk, and Stephen Glynn, late of Martin, Oxon, for ejecting him from a farm in the several parishes of Long Ditton, Thames Ditton and Kingston-on-Thames, of which he had an expired term of five years from Joseph Alston Carr, and claimed 50*l.* damages. He got a judgment for 45*l.* 0*s.* 6*d.* against them. *Parchment Collection*. [Brought in this day. L. J., XVI. 723. The Cause never came to a Hearing.]

1669. June 5. Barrington's Estate Act.—Petition of William, Lord Fitzwilliam, Baron of Lyfford, Ireland. The Bill to enable Sir Charles Barrington, Bart., to settle a jointure and make provision for his younger children recites that before Barrington's marriage with Petitioner's only daughter, Petitioner had agreed to give 10,000*l.* portion, and Barrington was to settle a suitable jointure. As a matter of fact Barrington was to have settled 1,500*l.* a year in land or 1,200*l.* a year rentcharge as jointure, with 300*l.* a year for Petitioner's daughter's personal expenses. This is not provided for by the Bill, and there is no provision for younger children in it. There are also several recitals in the Bill prejudicial to Petitioner, who prays to be heard by Counsel upon it. *Signed* W. Fitzwilliam. [Read this day and rejected. L. J., XVI. 723. The Bill was brought from the Commons on 22 May. Royal Assent 12 June. *Ib.* 698, 738. 13 Will III. c. 13 in Long Cal. The Select Committee was adjourned to the L. Keeper's room. Com. Book 7 June. There is no record of their proceedings.]

1670. June 5. Saint Martin's-in-the-Fields' Improvement Bill.—Letter from the Archbishop of Canterbury, addressed to the R. Reverend the Lord Bishop of London and the rest of the Lords of the Committee for S. Martin's Bill, acquainting them that he is forced to be absent that morning, much against his will. However, he hopes the business will be despatched without him, and it needs expedition. He can assure their Lordships that the King was petitioned for leave to bring the Bill into Parliament, and that he readily gave it. *Signed* Canterbury. *Dated* this day. [The Bill for better improving a certain piece of ground and for other purposes was brought from the Commons on 31 May, and considered in Select Committee and ordered to be reported on 4 June. Royal Assent refused 12 June. L. J., XVI. 714, 739. Com. Book 4 June. For Commons' Engrossment of Bill, see No. 1664.]

1671. June 9. Bigg's Estate Act.—Petition of Richard Bigg, on behalf of himself and others concerned in interest in a Bill to charge part of his estate, in the county of Hertford, for payment of his debts, for a short day for the Committee to sit on the Bill, which is very much for the benefit of himself and family. *Signed* by Petitioner. [Read



1701. this day and rejected. L. J., XVI. 731. The Bill was brought from the Commons on 4 June. Royal Assent 24 June. *Ib* 721, 770.  
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 No. 1671. 13 Will. III. c. 47 in Long Cal. See Com. Book June 14, 16.]

1672. June 10. Naturalization (Arthur) Act.—Certificate that Archibald Arthur, on 6 April 1701, received the Sacrament, according to the usage of the Church of England, at the Parish Church, St. Margaret Patteus, London. *Signed* Tho. Mariott, Minister, Wm. Arkesden, Churchwarden. *Dated* eod. die. *Attested* by William Arkesden and Moses Michell. [Produced and proved this day before the Select Committee on the Bill for naturalizing Archibald Arthur and enabling him to dispose of his estate, when the Clerk acquainted them that E. Rochester had commanded him, (if his Lordship happened not to be at the Committee), to let them know that the King had been acquainted with the Bill, and consented to it. *Mrs. Mary Jervas* and *Judith Perry* (sworn at the Bar) said they knew Archibald Arthur to be qualified for naturalization, as in the Bill is expressed. There was no amendment. Com. Book 10 June. The Bill was brought from the Commons on June 2. Royal Assent 12 June. L. J., XVI. 716, 739. 13 Will. III. c. 38 in Long Cal.]

1673. June 12. King's Speech—King's Speech this day, thanking Parliament for establishing the Protestant Succession and for supporting him in his foreign policy; and recommending despatch of business, as his presence was required abroad. L. J., XVI. 739. *In extenso*.

1674. June 13. Writ of Summons (E. Huntingdon)—Writ of Summons to George, E. Huntingdon. *Dated* 10 June 1701. [Sat first in Parliament this day after the death of his father. L. J., XVI. 741, where he is wrongly entered as John.]

1675. June 13. Deane's Estate Act.—Consent of George Duke, Esq., the surviving trustee, to the Bill for the sale of the estate of James Deane for the benefit of himself and family. *Dated* 5 June. *Signed* and *Sealed* Geo. Duke. *Attested* Edm. Newman, N. Watson, Jun. [Produced at the Select Committee this day. There were no amendments. Com. Book. The Bill was brought from the Commons on 31 May. Royal Assent 24 June. L. J., XVI. 714, 769. 13 Will. III. c. 46 in Long Cal.]

1676. June 13. Charge against L. Haversham by the Commons.—Message from the Commons acquainting the Lords with what happened at the Free Conference, together with the speech of L. Haversham complained of and the Commons' Resolution that he be charged before the Lords. L. J., XVI. 742. *In extenso*. The speech complained of was made at a Free Conference on the Impeachment of the Ministers in consequence of the signing of the Partition Treaty. The MS. Min. give entries on this subject as follows: On 14 June *Ordered* that the Lords' Committee appointed to draw what was offered at the Free Conference do inspect the Journals as to what has happened upon an occasion of this kind [and whether any satisfaction has been made on the like occasion] *and what has been done thereupon*.\* . . . *Moved* to send a Message to the House of Commons and acquaint them with what the House has done in relation to the accident at the Free Conference. A Message was sent to the House of Commons by Sir

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\* The words in italics were substituted for those in square brackets.

John Hoskens and Dr. Newton to acquaint them that [the Lords have appointed a Committee to inspect precedents, in order to give them an answer to their Message yesterday in relation to the matters that happened at the Free Conference; and the time appointed by their Lordships for the Free Conference desired yesterday being elapsed, that their Lordships desire the Free Conference with them be resumed upon the subject matter of the last Free Conference, and appointed presently in the Painted Chamber] *upon the occasion of their last Message yesterday in order to continue the good correspondence between the two Houses, &c., as in L. J., XVI. 746.\** [Ordered that the Messengers sent to H. C. be sent for back, if they have not been called in, in order to send the Message on Monday next. Then the Messengers sent to the Commons returned as ordered, not having been called in. Ordered that the Message be changed to Monday next at one o'clock. The Messengers were sent again with the same Message].† On the same day, in Select Committee, L. Steward in the Chair, a state of the matter of the Conference was agreed on and ordered to be reported. Com. Book.

1701.

No. 1676.

On 17 June the King's answer to the Address of 16 June was reported by L. Wharton. L. J., XVI. 748. In this answer it was stated that, as to the Address concerning leave to the L. Haversham to inspect the Council books, his Majesty said that he did not understand it until it was explained. The Address was then altered, and taken again by Lord Wharton.

On 19 June, after L. Haversham's Answer had been read, he moved for speedy justice, by putting it into a speedy way of trial.

On 21 June *L. Haversham* moves the House in relation to his charge, and desires their Lordships will give Judgment upon him. The House went on with the debate. *Proposed* that, if the Commons do not prosecute the trial of L. Haversham, that then he be discharged. *Moved* to declare that if L. Haversham be not prosecuted by the Commons before the end of this Session of Parliament he shall be discharged of the charge he lies under. *Question* to this effect put, as in L. J. *Resolved* in the affirmative. See L. J., XVI. 763.

[A Motion being made to take into consideration the votes of the House of Commons made yesterday, and debate thereupon, *Ordered* that the debate thereof shall be adjourned.] *A complaint being made, &c., as in L. J., XVI. 764.\**

On 24 June *Moved* to consider of discharging John, Lord Haversham. Some words were proposed in order to discharge him. The words were read. The Commons, not having prosecuted their charge against John, Lord Haversham. *Ordered, &c., this day as in L. J., XVI. 768.]*

Annexed:—

(a) 19 June. Answer of John, Lord Haversham. *Endorsed* as brought in this day. L. J., XVI. 759. *In extenso.*

1677. June 13. Naturalization (De Launay) Bill.—Draft of an Act for naturalizing Joseph Launay and others. It includes John Baillehache (see No. 1730, Annex (I)), and Peter Martin, who were naturalized later by Bacalon's Act No. 1730, Daniel Garnier, naturalized by Benovad's Act, No. 1751, and Francis Claris, son of Jacques Claris by Lovise, his wife, born at Languedoc in France, John Ramesers

\* The words in italics were substituted for those in square brackets.

† Expunged entries.



1701. (Ramsey in Annex (a) below), son of Francis Ramesers by Mary, his wife, born in the Province of Poitou in France, Benjamin Du Roy, son of John Du Roy by Margaret, his wife, born at Berjerac in the Province of Guienne in France, John Thomas, son of Isaac Thomas by Jane, his wife, born at Oleron in Bearn, and Daniel Robert, son of Christopher Robert by Judith, his wife, born at Montelinard in Dauphiné, who do not appear in any of these Naturalization Acts. [Read 1<sup>a</sup> this day. Committed, but never considered in Select Committee. Several persons were ordered to be added, on their Petitions, some of whom were naturalized by Benovad's Act, No. 1751. L. J., XVI. 741, 743, 747, 756, 757.]
- No. 1677.

Annexed:—

- (a) 12 June. Petition of Joseph Launay and several others, disbanded officers. Have served ever since the King came to the Crown, and behaved themselves very faithfully for the good of the Kingdom and Protestant religion. Being desirous to do the same upon all occasions, they came out of Ireland to use their endeavours to become capable of serving the King and Kingdom again. Pray leave to bring in a Bill for their speedy naturalization, the Session drawing very near to an end. *Signed* Joseph De Launay, Alexander Raquet Desfourneaux, Peter Martin, Francis Claris, John Rabaud, John Ramsey [Ramesers in Bill], James Trelebois, Eliaser Minte, Benjamin du Roy, John Lewis de Ligonier, Jean Housset, John George Shmitben [Schmiten], John Thomas. *Endorsed* as read this day, and leave given. L. J., XVI. 740. All the Petitioners were included in this Bill, except John Rabaud. All but Claris, du Roy and Thomas were naturalized by de Bacalon's Act, No. 1730.
- (b) 13 June. Petition of Anthony Laroque, and two other officers. Petitioners are French Protestants, and have been turned out of their native country for their religion's sake. Have served in the English army in Ireland and Flanders during all the late war, and desiring to be enabled to serve again, pray to be added to the pending Naturalization Bill. *Signed* Ant. Laroque, Marc' Anthony Vaissier Valogne, John Porte Laroque. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 747. The Laroques were naturalized by de Bacalon's Act, No. 1730, and Valogne by Benovad's Act, No. 1751.
- (c) 14 June. Petition of Alexander Durore Desbonnaux an officer. Petitioner is a French Protestant, who was forced to leave his own country, his estate, and the French service. He came over to England, for his religion's sake, at the same time as the King. Desires to be naturalized, and prays to be added to the pending Naturalization Bill. *Unsigned*. The name of Peter. De Gualy, also an officer and a French Protestant, has been added to this Petition. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 747. De Gualy was naturalized by Benovad's Act, No. 1751.
- (d) 14 June. Petition of Daniel Moreau, sen., and others, French Protestants, forced to leave their country and estates for their religion's sake. Desire to be naturalized, and pray to be added to the pending Naturalization Bill. *Signed* Daniel Moreau, Daniel Moreau, junr., Benjamin Malide, Elias. Delpeuch. *Endorsed* as read this day. *Ordered* as desired. MS. Min. 13 June. L. J., XVI. 747. One of the Moreaus and Malide were

naturalized by Benovad's Act, No. 1751, and Delpench by de Bacalon's, No. 1730. 1701.

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No. 1677.

(e) 16 June. Petition of Philippes de La Beaune [La Beauve], captain in the late Colonel Lillemarais' regiment, in his Majesty's service in Piedmont. Is a French Protestant, left his country and estate for his religion's sake, and served the King during the late war as captain in Piedmont. Desires to be naturalized, and prays to be added to the pending Naturalization Bill. *Signed* by Petitioner. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. He does not appear in any of these Naturalization Acts.

(f) 18 June. Petition of Oliver Le Nouricier and three others. Petitioners are persons born out of the King's allegiance, forced to quit their native country on account of their religion, in order to their continual residing here. Have given good testimony of their loyal affections to the King and the good of this Kingdom, and pray to be added to the pending Naturalization Bill. *Signed* Olivier Le Nouricier, Peter Fleuriot, Jacob Huë, Michel Huë. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. None of the Petitioners appear in any of these Naturalization Acts.

(g) 20 June. Petition of Steven Fermignac and two others. Are French Protestants, forced on account of their religion out of their native country. Have served in cavalry regiments in the late wars, and always ventured their lives for the Protestant religion and the good of the Kingdom of England. Pray to be inserted in the Bill of Lieut. Joseph Delaunay, in order to their being naturalized. *Signed* Steven Fermignac, James Bruguier, William Barbut. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. None of these persons appear in any of these Naturalization Acts. One James Brunier was naturalized by Benovad's Act, No. 1751, and a certain John Bruguier by De Bacalon's Act, No. 1730.

(h) 20 June. Petition of Abel Langelier and two others. The Petition is practically the same as (f) above. *Signed* Abel Langelier, Zacharia Butand, Michall Derry. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. The first two were naturalized by Benovad's Act, No. 1751, and an Abel Langelier also by Van Ryssen's Act. Derry does not appear in any of these Naturalization Acts.

1678. June 14. Justices of Peace (Qualification) Bill.—Commons' Engrossment of an Act for qualifying justices of the peace. Whereas by several statutes heretofore made, the justices of the peace in the counties and shires of England ought to be assigned of the most sufficient knights, esquires and gentlemen of the law in the said counties and of the best reputation, notwithstanding which statutes, of late divers persons of small estates and mean education have been deputed and assigned to be justices of peace in the said counties or shires, whereof great inconveniences may arise, for the prevention whereof and to the intent that the said statutes for the time to come may be observed and effectually obeyed, Be it enacted, &c., that from and after the nine and twentieth day of September, one thousand seven hundred and one, no person shall be assigned or deputed to be a justice of the peace in any county or shire of England, unless he has lands or



1701.  
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No. 1678.

tenements of the clear yearly value of four hundred pounds within the Kingdom of England or dominion of Wales, either in fee simple, fee tail, or for life or lives, *or for years determinable upon life or lives, or copyhold of inheritance*\* nor shall any person be assigned or deputed to be a justice of peace in any county within the dominion of Wales, *or in the county of Monmouth*,\* unless he has such estate as aforesaid, of the clear yearly value of two hundred pounds. And in case any person who now is in commission, or at any time hereafter shall be nominated or put into the commission of the peace for any shire or county in England or Wales not having lands or tenements of the yearly value aforesaid and of such estate or interest as is above mentioned, shall take upon him to act in such commission, or to put in execution any of the powers therein granted, or to execute the office of a justice of peace in the said county in any matter or thing whatsoever, such person shall forfeit the sum of two hundred pounds, one moiety thereof to the King's Majesty, his heirs and successors, and the other moiety thereof to such person or persons that shall sue for the same, to be recovered by action of debt, bill, plaint or information in any of his Majesty's Courts of Record at Westminster, wherein no essoign, protection or wager of law shall be allowed or any more than one imparlance, and wherein the plaintiff in such action shall recover his costs of suit; and such person shall also be put out of the commission of the peace. And be it further enacted by the authority aforesaid, that no person being an attorney at law or a solicitor, or acting or dealing as an attorney at law or solicitor, shall be assigned or deputed to be a justice of the peace in any shire or county of England or Wales. Provided always that this Act shall not extend to the Vice Chancellors of the two Universities for the time being, or to cities, boroughs or towns corporate which are counties incorporate of themselves, nor to cities, boroughs or towns corporate which have justices of the peace within their own limits of persons dwelling in the same, nor to the counties of Rutland or Cardigan. Provided always that it shall and may be lawful to and for any person who now is, or at any time hereafter shall be nominated or put into the commission of the peace in the shires or counties of Westmoreland, Cumberland and Northumberland, or any of them having such an estate as aforesaid of the clear yearly value of two hundred pounds, to take upon him to act in such commission and to execute the office of a justice of peace in the said shires and counties and every of them, any thing in this present Act contained to the contrary thereof in any wise notwithstanding. And be it further enacted by the authority aforesaid that, from and after the said nine and twentieth day of September, the Lord Chancellor or Lord Keeper, or Commissioners of the Great Seal of England for the time being, or the Chancellor of the Duchy of Lancaster shall, and are hereby required upon the nomination of any person or persons in the commission of the peace for any county of England or Wales to issue out a dedimus to proper persons empowering them to administer the oaths by law required to be taken by justices of the peace to the person or persons so nominated, and usually inhabiting or dwelling within the county for which he or they shall be so nominated in the commission of the peace, and that the person or persons so nominated and to be sworn shall have the said oaths duly tendered unto him or them, and may take the same without paying any fee or reward whatsoever for any such dedimus or authority to

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\* The words in italics are interlined on the Roll, and were added by the Commons on Third Reading. C. J., XIII. 627.

administer the said oaths. Provided that nothing in this Act contained shall extend or be construed to extend to disqualify such justices of the peace as are now, or hereafter shall be, in the commission of the peace who, at the time of their being put into such commission had, or shall have, four hundred pounds per annum, and have or shall by settlement only upon their sons in marriage reduced or reduce their shares of such estates to less than the said yearly value, the residue of the said estate being in their sons or their issue, anything hereinbefore mentioned to the contrary in anywise notwithstanding. *Parchment Collection*. [Brought from the Commons this day. On 18 June it was rejected after Second Reading. *On Question*, without a division. L. J., XVI. 743, 757.]

1701.

No. 1678.

1679. June 14. L. Halifax's Impeachment.—Articles of Impeachment against Charles, Lord Halifax, exhibited by the Commons for high crimes and misdemeanours. Brought up from the Commons and read this day. L. J., XVI. 743–6. *In extenso*. *Parchment Collection*. See No. 1615.

1680. June 20. Stanley's Estate Act.—Petition of Sir Thomas Stanley, Bart., Dame Margaret Stanley, his wife, William Patten, Mary Patten, Richard Langton, William Shawe, Thomas Patten and Thomas Dod, not only giving their consent to the Bill to enable Sir Thomas to charge the manor of Bickerstaffe and other lands in Lancashire with 3,000*l.* for payment of his sisters' portions and his debts, but also praying it may pass. *Signed* by the Petitioners. [Produced as a Consent this day before the Select Committee. Com. Book. The Bill was brought from the Commons on 11 June. Royal Assent 24 June. L. J., XVI. 736, 769. 13 Will. III. c. 45 in Long Cal.]

Annexed:—

(a) Copy of the Act, Noted 13 Will. III. c. 45. *Signed* Math. Johnson, Cler. Parliamentor.

1681. June 21. Public Accounts Commissioners Bill.—Petition of John Paschal, Esq. In 1694 Petitioner was appointed one of eight Commissioners of Prizes, who had an Accountant General and a Treasurer, the latter appointed by the King by Patent, who received all the money arising by prizes, of which Petitioner never received one penny except his salary. The accounts for prizes were from time to time laid before the Treasury and audited, without objection being taken. Petitioner has been for many weeks a prisoner in the Tower for not complying with an impracticable scheme imposed on him by the late Commissioners of Accounts, and is now informed that in the Bill before the House there is a clause for the imprisonment of Petitioner and Mr. Parkhurst in the Tower till the end of the next Session unless a full account of all prizes during the late war be delivered before 1st Sept. next. Petitioner is only one of the Commissioners and did not come into office till five years after the beginning of the war, and it is a hardship to have a particular law to punish him and only one other of the Commissioners, as he had acted according to law. Prays to be heard by Counsel against the clause. *Signed* John Paschal. L. J., XVI. 764. [The Bill for appointing Commissioners to take, state and examine the several and respective accounts therein mentioned was brought from the Commons on 18 June, and read 1<sup>a</sup> and 2<sup>a</sup> on 21 June, after debate and a division. Contents 26, Not Contents 20: Tellers, L. North, L. Jeffreys. MS. Min. L. J., XVI. 757, 764. On 23 June, in C. W. H., E. Stamford in the Chair, Counsel for Mr. Paschal were called in, and the clause that concerns



1701. him read. *Mr. Dormer* and *Mr. Dodd* heard for him. *Mr. Whitaker's* clause read (*Annex (a)*). *Mr. Dodd* and *Mr. Fowler* heard for  
 — Whitaker. A clause was offered for Col. Leighton and added to the Bill after the word, notwithstanding, in 6 skin, l. 31. *Agreed* to leave out *Mr. Paschal's* clause. *Mr. Whitaker's* clause read. *On Question?* *Agreed* to leave it out. Then the first two enacting clauses, which had been postponed, were rejected, and the Bill, as amended, was read 3<sup>a</sup> and passed and returned to the Commons. MS. Min. L. J., XVI. 765. On 24 June *Moved* that an Address be made to his Majesty that the Bill empower five Commissioners to execute the powers in the former Act for taking and stating the public accounts so far as by law they may. *On Question*, Whether this House shall now adjourn during pleasure? Contents 25, Not Contents 33: Tellers, L. Mohun, L. Dartmouth. The vote was not, however, declared, his Majesty coming in before it was reported. MS. Min. L. J., XVI. 769.]

Annexed:—

- (a) 21 June. Petition of Edward Whitaker, Gent. Petitioner has been for the last ten years Solicitor to the Admiralty and Navy, and has had his accounts passed every year except last year's account, which he has not passed owing to his being in close custody of the Serjeant at Arms of the House of Commons. He has never refused to deliver his accounts to any authority nor has any fault ever been found with them, but there is a clause in the Bill, which requires him to account again before the Commissioners. Prays to be heard against that clause, and to make his just defence. *Signed* by the Petitioner. *Endorsed* as read this day. *Ordered* to be heard. L. J., XVI. 764. [See Notes above and Annex (c).]
- (b) 21 June. Petition of Colonel Baldwin Leighton. There are due to Petitioner several sums of money for arrears and disbursements made by him for his Majesty's service. The late Commissioners of Accounts allowed his demands just, but told him they had no power to certify the same; and Petitioner is advised that the Bill before the House is as wanting in that particular as the former Act. Prays a clause for his relief may be received. *Signed* by the Petitioner. *Endorsed* as read this day. L. J., XVI. 764.
- (c) 20 Jan. 1701-2. Petition of Edward Whitaker, Gent. Has never yet been heard against the clause relating to him, not having had notice soon enough, and is now under a prosecution of the Attoruey-General, by two informations in the Court of Exchequer, one for 12,000*l.* debt, and the other for an account of 23,000*l.*, being thus doubly prosecuted for one and the same account. Has lately come out of custody of the sheriffs of London, having been many weeks a close prisoner on a *capias* on account of the 12,000*l.*, and being unable to get bail. Has passed his accounts at the Admiralty and Navy Boards for every penny he received, and can prove there is no ground for the clause. Prays to be heard by Counsel at the Bar, and that the Officers of the Navy be ordered to produce the books and papers showing that he has passed his accounts. *Signed* by the Petitioner. *Endorsed* as read this day and rejected. L. J., XVII. 20.

1682. Sept. 18. Commission (Prorogation).—Commission to James, D. Ormonde and others to prorogue Parliament to 30 Oct. *Signed* at

the top Tho. Cantuar, N. Wrighte, C.J., Jersey, Godolphin. *Dated* 1701.  
as witnessed this day by the Archbishop of Canterbury and the rest of  
the Guardians and Justices of the Realm. L. J., XVI. 773-4. *In* —  
*extenso. Parchment Collection.* No. 1682.

1683. Nov. 6. Commission (Prorogation).—Commission, under the  
Sign Manual, to Prince George of Denmark and others to prorogue  
Parliament to 13 Nov. *Dated* this day. L. J., XVI. 776. *In extenso.*  
*Parchment Collection.*

1684. Dec. 30. Garter's Roll.—A Roll of the Nobility of England  
delivered to the Clerk of the Parliaments. *Signed* Tho. St. George,  
Garter. It contains 166 names. *Parchment Collection.*

1685. Dec. 30. Test Roll (30 Car. II. Stat. 2, c. 1.).—Roll for the  
Parliament begun this day, containing the signatures (137) of Lords  
to the Declaration in the Act of 1678 for the more effectual preserving  
the King's Person and Government by disabling Papists from sitting in  
either House of Parliament. *Parchment Collection.*

1686. Dec. 30. Oaths Roll. (1 Will. and Mary c. 1.).—List of the  
Peers who took the Oaths between 30 Dec. 1701 and 12 Jan. 1701-2,  
pursuant to the Act of 1688 for removing and preventing all questions  
and disputes concerning the assembling and sitting of this present  
Parliament. *Parchment Collection.*

1687. Dec. 30. Writs of Summons.—Writs of Summons, dated  
13 Nov. 1701 to the following Peers, who took the Oaths this day.  
L. J., XVII. 3, 4.

- \* (1) Wriothsley, D. Bedford.
- (2) Charles, D. Bolton.
- (3) George, D. Northumberland.
- (4) Charles, D. Richmond.
- (5) Charles, D. St. Albans.
- (6) John, M. Normanby.
- (7) Algernon, E. Essex.
- (8) Henry, E. Grantham.
- (9) Robert, E. Lindsey, Lord Great Chamberlain of England.
- † (10) Fitton, E. Macclesfield.
- (11) Charles, E. Manchester.
- (12) George, E. Northampton.
- (13) Daniel, E. Nottingham.
- (14) Edward, E. Orford.
- (15) Richard, E. Rivers.
- (16) Anthony, E. Shaftesbury.
- (17) Nathaniel, V. Saye and Sele.
- (18) John [Williams], Bishop of Chichester.
- (19) Humphry [Humphreys], Bishop of Hereford.
- (20) William [Talbot], Bishop of Oxford.
- (21) Richard [Cumberland], Bishop of Peterborough.
- (22) William [Lloyd], Bishop of Worcester.
- (23) John [Hough], Bishop of Lichfield and Coventry.
- ‡ (24) William, L. Berkeley de Stratton.

\* Sat first in Parliament this day after the death of his grandfather.

† Appears among the Lords present this day, but not among those entered as  
having taken the Oaths, nor on the Test Roll.

‡ John Lord Berkeley in L. J.



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No. 1687.

- (25) John, L. Colepepper.
- (26) William L. Dartmouth.
- (27) Ralph, L. Eure.
- (28) Francis, L. North.
- (29) Charles, L. Halifax.
- (30) Charles, L. Mohun.
- (31) John, L. Pawlett de Hinton St. George.
- (32) Lewis, L. Rockingham.
- (33) John, L. Somers.
- (34) John, L. Vaughan.

1688. Dec. 30. Poor (Defrauding by Select Vestries) Bill.—Draft of an Act for the preventing of the Poor being defrauded, and redress of several other abuses. Identical with No. 1460, but the provisoes which appear at the end of the Bill are not crossed out [Read 1<sup>a</sup> this day. L. J., XVII. 4. 2<sup>a</sup> and committed on 15 Jan. following. *Ib.* 17. There were no further proceedings.]

Annexed :—

- (a) *Undated.* Petition of the Rector and Gentlemen of the Vestry of the parish of St. James's, Westminster. The Bill contains divers things which they apprehend may be prejudicial to their parish. Pray to be heard by Counsel against it. *Signed* by William Wake, Rector, and by 15 other persons.

1689. Dec. 31. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 5.

- (1) Edward, E. Jersey.
- (2) John, E. Marlborough.
- (3) John, L. Haversham.
- (4) Peregrine, L. Osborne.

1690. Dec 31. King's Speech.—Draft of King's Speech on opening Parliament this day. L. J., XVII. 6. *In extenso.* [On 31 December, after the Speech had been read by the Lord Keeper, *Moved* to consider of it. *Moved* to appoint a Committee to draw an Address to be presented to his Majesty taking notice of the great indignity done to him and the Kingdom by the King of France owning the pretended Prince of Wales, and the resentment this House has of it. Then the Committee was appointed. MS. Min. L. J., XVII. 7. On 1 Jan., in Select Committee, L. Ferrers in the Chair, the first two paragraphs of the King's Speech were read, and an Address was drawn and agreed to be reported. Com. Book. The Address was reported and agreed to, after several alterations had been made in it by the House. *Proposed* that all the Lords sign the Address. *Agreed to.* The House being informed that the King would be ready to receive the Address at 5 o'clock this afternoon, if it were ready, the following Orders were made. Rest as in L. J. MS. Min. On 2 Jan. the Lord Keeper reported his Majesty's answer to the Address presented to his Majesty yesterday, which he received very graciously.\* On further consideration of the King's Speech, *Proposed* that the House be put into a Committee to consider of it. In C. W. H., L. North in the Chair, the first paragraph read. *Moved* to appoint a Committee to draw an Address upon that part of the King's Speech which relates to setting the D. of Enjou [Anjou] upon the Crown of Spain. House resumed and

\* The King's answer is set out in L. J., XVII. 9.

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L. North reported as in L. J., XVII. 9. *Moved* to appoint a day to consider . . . . *Moved* to address the King to lay before this House the alliances already made. Then a Committee was appointed to draw the Address, &c., as in L. J. MS. Min. On 5 Jan. *Moved* that an entry be made in the Journal taking notice that the Lords signing the late Address to his Majesty, of the 1st instant, was upon an extraordinary occasion. MS. Min.]

1691. Jan 1. Writ of Summons (L. Hunsdon). Writ of Summons to Robert, L. Hunsdon. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J., XVII. 7.]

1692. Jan. 2. Writ of Summons (Bishop of Ely).—Writ of Summons to Simon [Patrick], Bishop of Ely. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J., XVII. 8.]

1693. Jan. 5. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 11.

(1) Charles, D. Southampton.\*

(2) John, L. Ashburnham.

1694. Jan. 5. Foreign Affairs (Treaties with Foreign Powers).—Translations of treaties laid before the House by E. Marlborough this day. L. J., XVII. 11. They are as follows:—

(a) Translation of the Treaty between the Emperor, his Majesty and the States General. *Dated* 7 September 1701. Printed at length in Jenkinson's *Treaties*, London, 1715 Vol. I. p. 326, except that in this paper the words, into Italy, are added after the words, his Imperial Majesty was brought under a necessity of sending an army, in the preamble, as well as the names, &c., of the plenipotentiaries at the end of the preamble. There is a Latin version of this Treaty, being the Emperor's counterpart, in Dumont, Vol. VIII. p. 89. *Endorsed* 1.

(b) Translation of the Treaty between the King and the States General. *Dated* 11 Nov. 1701, as follows:—

The King of Great Britain and the Lords, the States General of the United Provinces of the Low Countries, having made a mature and serious reflection upon the great alteration happened in Europe, by the deplorable death of the late King of Spain, of glorious memory, have considered that thereby the Most Christian King having made himself master of the whole succession of Spain in favour of his grandson the Duke of Anjou, was by that means grown so formidable that, according to the unanimous consent of all the world, Europe is in imminent danger of losing its liberty, and of suffering the yoke of a universal monarchy, and, as the said potentates desire nothing more than to prevent those great mischiefs by a peace that may be secure, general and of continuance, and that they believe this cannot be done but by strict alliances, and a more than ordinary concurrence of the other princes and potentates, they have to that purpose thought fit to make a firm and solid Alliance with his Imperial Majesty, and to invite other princes and states to come into it, but being persuaded that all

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\* Entered in L. J. as Duke of Somerset.



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imaginable endeavours will not fail to be used to render the said Alliance ineffectual, either before or after a peace is made, and that amongst many methods, none would be more certain than to separate the said King of Great Britain from the said States General, or to put either of them out of a condition to act, either by the loss of their commerce or the unsafeness of their condition, to which the combination of the Kingdoms of France and Spain and the seizing upon the Spanish Low Countries would infallibly contribute, they found themselves obliged to unite together as firmly as humanly was possible, and to agree upon the necessary means of putting themselves in a posture of having always an eye to the common liberty of Europe, to the preservation of their commerce, and of their own particular safety, and to take from their neighbours all hope of being able ever to separate them, or make them useless to the public. To which end the King of Great Britain has given his full powers to John, Earl of Marlborough, Baron Churchill of Sandridge, of his Majesty's Privy Council, General of his Foot, Commander-in-Chief of his Forces in the Low Countries, and his Ambassador Extraordinary and Plenipotentiary; and the said Lords States General, to the Sieurs Christian Charles, Baron de Lintelo, Lord of Elise, Frederick, Baron de Reede, Lord of Liere, St. Antoine and Terlee, of the Order of the Nobility of the Province of Holland and West Friesland, Anthony Heinsius, Councillor Pensionary of the Province of Holland and West Friesland, Keeper of the Great Seal and Superintendent of the Fiefs of the same Provinces, William of Nassau, Lord of Odijk, Cartgenesse [Cartgine], First Nobleman, and representing the Nobility in the States and Council of Zeeland, Everhard de Weede, Lord of Wedde, Dykeveldt Rateles, &c., lord of the manor of the city of Oudewater, Dean and Rector of the Imperial Chapter of St. Mary, at Utrecht, Dykgraaf of the river Rhine, in the Province of Utrecht, and president of the States in the same Province, William van Harren, Grietman of Bilt, Deputy from the Nobility in the States of Friesland, and Curator of the University of Franeker, Burchard Juste de Welvelde a Bucklurst and Molekate, Lord of Zallik and Vekate, Draisart of Ytselmuden, and Wichers Wichers, Senator of the city of Groningen, Deputies and Plenipotentiaries of the said Lords, the States General, who have agreed in manner following:—

(1.) In the first place the defensive and perpetual Alliance made between King Charles II., of glorious memory, and the said States General, the 3rd March 1677-8, shall be renewed and confirmed by this Alliance, in all its forms, as if it were here inserted; and shall hereafter be inviolably executed on both sides.

(2.) And whereas, the said high confederates have mutually promised, in the 3rd article of the said Alliance, to warrant each of them separately all the treaties that they had made to that time, with other kings, princes and states, and which they might after that make, they shall warrant particularly the treaties that the said confederates have made with the Most Christian King, at Ryswick, 20th September 1697 and which they shall make hereafter by concert one with another.

(3.) And, to avoid all sorts of disputes, where the Alliance takes place, regard shall always be had more to the essential

or material than the formal part, for the preservation and defence of any of the parties. 1701-1702.

(4.) And, consequently, it shall be reputed a case within this Treaty, not only if any of the allies shall be attacked, but also if any neighbour of the parties does make preparations to attack or threaten any one of the allies, either by extraordinary levy of troops, fitting out of ships of war, or otherwise, in any manner whatsoever, provided any one of the said allies be obliged, out [of] a just fear, to put himself into arms.

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(5.) And, since particular care has been taken in the said Alliance, made with the Emperor, for recovering the said Spanish Low Countries out of the hands of the Most Christian King, and that besides that, the principal interest of the allies consists in the preservation of the liberty of Europe, as is above mentioned, the Treaty made by the said confederates with his Imperial Majesty, the 7th September last, shall be truly and faithfully executed, and both of them shall be guarands of the same; and they shall use their endeavours to confirm it, and to render it stronger from time to time.

(6.) And whereas, the security of the said high allies consists particularly in this, that the said Spanish Low Countries, as the nearest to their estates, should not remain in the hands of the Most Christian King, or that he should be directly, or indirectly master of them, as at present he is, they likewise engage themselves in a special manner to assist one another with all their forces for the said recovery, and after they are recovered, it shall be always considered as a case that falls within this Treaty, whenever the Most Christian King shall endeavour, directly or indirectly, to lay his hands upon them, or shall make preparations to seize upon them, or shall send thither his forces, and the same thing shall be done in case the said Most Christian King shall attempt to get into his hands any lands belonging to the said King of Great Britain, or the said States General, or that he should make preparations to invade them or to send thither his forces.

(7.) In case the said high allies fall jointly into a war, either upon occasion of this defensive Alliance, or by virtue of that which is above mentioned in the 5th article, or for other reasons and motives, there shall be between them an Alliance, offensive and defensive, against those with whom they are in war. And they shall thereto employ all their forces, as well by sea as by land, and shall act jointly or separately, according to the agreement that they shall make among themselves.

(8.) And, that all things may be directed to the end proposed, the said high confederates shall make a specification of the forces, by sea and by land, by a separate agreement.

(9.) When the war is begun they shall act by concert, according to the 7th and 8th articles of the said Treaty of

3 March in the year 167 $\frac{7}{8}$  and no negotiation shall be set on foot, nor any peace, truce or suspension of arms be made, but pursuant to the 9th and 10th articles of the said Treaty.

(10.) In making the Peace, particular care shall be had of the commerce and traffic of the two nations, as likewise of their safety, as well in relation to the Spanish Netherlands as the neighbouring countries.



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(11.) As to sea affairs, they shall govern themselves in case of a war provisionally, and until some other disposition is agreed on, according to the Treaty, made at Whitehall the 29 April, 1689, which shall be looked upon to that purpose as renewed and inserted in this Alliance, as far as it shall be applicable to the present constitution of affairs, and particularly in relation to prizes, the proportion of ships of war, the council of war, and what depends thereupon.

(12.) As to what concerns ships retaken, the Treaty that was made between the said high allies, the 22nd October 1689, shall be in force, as much as if it were really made.

(13.) This Alliance shall be perpetual, as that of the year 167<sup>7</sup>/<sub>8</sub> above-mentioned is, and shall be looked upon as a part of it, so far as it may be applied to future occasions.

(14.) The ratifications of this Alliance shall be exchanged on both sides in three weeks' time, to be reckoned from the day of the signing thereof. In Witness whereof the said Ambassador of his said Majesty, and the Deputies of the said States General, have signed these presents, and caused the seals of their arms to be set thereto, at the Hague, the Eleventh of November, in the year 1701.

(L.S.) Marlborough.

(L.S.)

C. B. V. Lintelo.

(L.S.)

F. B. de Reede.

(L.S.)

A. Heinsius.

(L.S.)

W. de Nassau.

(L.S.)

E. de Weede.

(L.S.)

W. V. Harren.

(L.S.)

B. J. V. Welvelde.

(L.S.)

W. Wichers.

*Endorsed 2.*

(c.) Translation of a Convention between the King, the King of Sweden and the States General, dated  $\frac{26 \text{ September}}{7 \text{ October}}$  1701, as follows:—

His Sacred Royal Majesty of Sweden, being at this time actually engaged in a war, and the affairs of his Sacred Royal Majesty of Great Britain, and the Lords, the States General of the United Provinces, being in such circumstances that they hourly expect a war, and are forced to be at the same charges and bear the same burthens as if they were engaged in a war, have thought it advisable to agree to the following articles:—

(1.) The treaties which have been formerly concluded between their Royal Majesties aforesaid and the States General, shall be faithfully executed, [and] are hereby confirmed.

(2.) To this purpose, his Royal Majesty of Great Britain and the States General shall, without delay, pay to his Royal Majesty of Sweden two hundred thousand imperial dollars, to be accounted as part of the succours he may demand of them, by virtue of the treaties between them.

(3.) The States General will be responsible for the sum of three hundred thousand crowns, which the King of Sweden shall borrow upon good and sufficient security, according to an obligation which shall be further settled.

(4.) The above-mentioned Kings and the States General shall forthwith name and appoint Commissaries, who shall agree in what manner the confederates may assist one another, in case the war which the King of Sweden is engaged in should continue, and in case the King of Great Britain and the States General should be involved in a war ; and in what manner they may most strongly unite themselves as the present circumstance of time and affairs shall require. 1701-1702.  
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(5.) In the meantime, the confederates shall not treat and conclude anything with any one whatsoever that may be contrary to the treaties made between them formerly, or that may be prejudicial to any of the allies.

(6.) This Convention shall be ratified by every one of the confederates, and the ratifications shall be exchanged here, at the Hague, within the space of six weeks, or sooner if it may be.

In Witness whereof, we, the underwritten Ambassadors and Plenipotentiaries and Deputies, have signed this Convention.

Done at the Hague, the 26 September, 1701.  
7 October,

(L.S.)	Marlborough.
(L.S.)	N. Lillieroot.
(L.S.)	D. V. Eck V. P. H. V. Gent.
(L.S.)	F. B. de Reede.
(L.S.)	A. Heinsius.
(L.S.)	Johan Becker.
(L.S.)	De Weede.
(L.S.)	W. Harren.
(L.S.)	B. J. Welvelde.
(L.S.)	W. Wichers.

*Endorsed 3.*

(d) Translation of the Treaty between the King, the King of Denmark and the States General, dated 15 June 1701, as follows :—

Be it known unto all whom it may concern that, since the affairs of Europe are changed by the death of the Catholic King, his Majesty the King of Great Britain and their High Mightinesses the States General of the United Provinces of the Low Countries on one side, and his Majesty the King of Denmark on the other, have maturely considered that it would be of great advantage for the security of their Kingdoms and Provinces, that their ancient friendship and confidence should be established anew, so that there may be a perfect union of interest and conveniency, and a confident communication between them in relation to all the affairs that may happen in Europe, and that they may faithfully and mutually assist one another, and that to that purpose a defensive alliance should be agreed upon, and his Majesty the King of Denmark being informed that his Majesty the King of Great Britain and the States General had sent orders to their Ministers at his Court, to enter into conference with the Ministers his Majesty shall please to name, to frame such a defensive alliance, has, in like manner, given order to his Ministers to enter into a negotiation thereupon with Hugh Greg, Esq., Resident of his Majesty the King of Great Britain at the King of Denmark's Court, and the Sieur Robert Goes, Lord of Bouckherstburg, their High and



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Mightinesses' Resident at the King of Denmark's Court, who, after divers conferences, and after the communication and exchange of their full powers have agreed upon the articles following:—

(1.) The Defensive Alliances made between his Majesty the King of Great Britain and the Lords, the States General of the United Provinces, on one side, and his Majesty the King of Denmark, on the other side, the 3rd of November 1690, and the 3rd of December 1696, shall remain in their full force, and are confirmed and renewed in all their points and clauses, unless what shall be changed by this present Treaty.

(2.) His Majesty the King of Great Britain and the States General promise to pay, without any abatement, default or delay, the sums stipulated by the above said Alliance of the year 1696, in good money of Holland, at Amsterdam, one half thereof as soon as the troops mentioned in the 10th article of this Treaty shall begin to march towards the frontiers of the States General, and the other half six months after, an exact liquidation of which sums shall be inserted at the end of this Treaty.

(3.) And, whereas it is of great importance for the merchants that the sea should be free and safe, his Majesty the King of Denmark promises to his Majesty the King of Great Britain and to the States General that, for the surety of commerce, in case a war happens, he will shut all the ports and harbours of his dominions against privateers and men-of-war, unless such men-of-war come as convoys to a fleet of merchant ships, in which case they shall have free entrance into his Majesty's ports and havens; but not when they shall convoy particular and separate vessels; and a merchant fleet shall not be reputed such, unless when it is composed of forty ships or more, and it shall be sufficient if it was of that number when it passed the heighth of the point of Jutland, nor is it necessary that it should be so numerous when the men-of-war shall come unto his Majesty's ports, because the merchant ships being arrived at the height, steer towards the Sound, or disperse themselves into several ports of Norway. For the rest, relation is to be had to the fourth secret article of the Treaty of the year 1696.

(4.) His Majesty the King of Denmark shall not longer oppose the Ninth Electorate, but he promises to conform himself to the contents of the 3rd article of the Treaty of 1696 and the 7th secret article of the same Treaty.

(5.) His Majesty the King of Denmark shall not engage himself, nor enter into any treaty whereby the peace of the north may be disturbed, or whereby a third party may be formed, either in the north or in Germany, nor shall foment such disturbances upon the pretence of being thereto engaged by former treaties, but on the contrary, his Majesty shall endeavour to prevent the making of any such treaties, pursuant to the 4th article of the aforesaid Alliance.

(6.) His Majesty the King of Denmark does expressly stipulate liberty of commerce for his subjects, in case a war happens, or troubles arise, but not being willing to suffer strangers to commit frauds, by making use of Danish passports, it is agreed that, immediately after the signing of this Treaty, the Convention which was made in the year 1691, between his Majesty the King of Great Britain and the States General, on the one part, and his Majesty the King of Denmark on the other, on the subject

of trading to France shall be examined, to the end that the said Convention may be altered as far as shall be necessary, for the better preventing of frauds, and until such an alteration shall be agreed by common consent, the said Convention shall be re-established in its first force, and shall serve for a law and rule of the said commerce.

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(7.) His Majesty the King of Great Britain and the States General promise to pay to his Majesty the King of Denmark a subsidy of three hundred thousand crowns a year, all the time that the war or the troubles shall continue; to be reckoned from the signing of this present Treaty, and the payment shall be made in good bank money, at Hamburg; one quarter of the sum stipulated every three months. And, in case a war does not happen, but that the present dissensions should be composed by an agreement, and yet that the forces of his Majesty the King of Denmark should be actually on their march towards the frontiers of the States General, his Majesty the King of Great Britain and the States General shall pay, in that case, three months of the subsidy agreed on, besides the levy money of the said troops, and, if an accommodation should be made after this Treaty is ratified, but before the actual march of the said troops towards the States' frontiers, his Majesty the King of Denmark will be satisfied with a year's subsidy, and a fourth part of the sum agreed on for the levies.

(8.) His Majesty the King of Great Britain does likewise promise in particular to pay to his Majesty the King of Denmark what is yet due to him, by virtue of the Convention of 1689, as well for the transporting of 7,000 men into Ireland as in relation to what remains still due and payable to the said troops of their pay, in case it shall appear by an account which shall be stated, that all has not been paid them, and the discount of the one and the other shall be made within a year after the ratification of this Treaty, and payment shall thereupon be made, without any delay, in the city of Hamburg.

(9.) And, to take away every stumbling block, his Majesty the King of Denmark is willing to waive all the pretensions he might have upon the States General, on condition that the States oblige themselves to pay for his Majesty the sums that the Province of Holland and the town of Amsterdam claim from him, and to return to his Majesty the obligations, which his late Majesty King Frederic III., of glorious memory, gave to the said Province and the said city.

(10.) His Majesty the King of Denmark promises to order three thousand horse, a thousand dragoons and eight thousand foot of the Kingdom of Denmark and Country of Holstein, to march to the assistance of his Majesty the King of Great Britain and the States General, immediately after this Treaty is signed, which troops shall be mounted and armed as they ought to be, and provided with proper officers and generals. The said troops shall take an oath of fidelity to his Majesty the King of Great Britain and the States General, in the same manner as the 7,000 men of the Danish troops did formerly to his Majesty of Great Britain when they entered into his service. The granting of vacant offices and the administration of justice shall be upon the same foot as was practised in relation to the said 7,000 men. His Majesty the King of Great Britain and the States General shall pay for the levy of the said troops, eighty crowns for every



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horseman; sixty crowns for each dragoon; and thirty crowns for each foot soldier. One half of the said money shall be paid, as soon as the said troops are actually marching towards the frontiers of the States General, and the other half when they are actually arrived at the said frontiers. The pay and entertainment of the said troops shall be upon the same foot as the other forces of the States General, that is to say, that of the Danish guards, in case his Majesty shall think fit to send a part of his guards, as that of the States Generals' guards, and that of the other ordinary Danish regiments of the States. The payments shall be put into the hands of the Danish Commissioners to be by them distributed, without any abatement or diminution, and shall commence from the day the said troops shall begin their march towards the frontiers of the States General. And, if it should be thought convenient to transport by sea towards the States Generals' countries all the troops that are to come from Denmark, or the Country of Holstein, or any part of them, such transport shall be made at the charges of his Majesty the King of Great Britain and the States General, and it shall be lawful in case of necessity, to make use of the ships of his Majesty the King of Denmark, or those of his subjects, to render the said transport more easy and speedy. His Majesty the King of Great Britain and the States General may retain the said forces in their service as long as they think fit, and when they have a mind to send them home they shall give notice thereof to his Majesty the King of Denmark three months beforehand. In the meantime, if any rupture or war shall happen, the said troops shall, notwithstanding that, continue in the service of his Majesty the King of Great Britain and the States General, as long as the war shall continue, unless his Majesty the King of Denmark shall be attacked in his kingdoms and territories, for having supplied them with the said forces; in which case his Majesty the King of Denmark reserves to himself the right and power of recalling them, as soon as he finds it necessary.

(11.) In case that by misfortune, one or more regiments or companies of the said forces happen to be ruined, his Majesty the King of Great Britain and the States General promise to pay, without any delay, to the colonels or captains of the regiments or companies so ruined, the levy money necessary to restore them to the same condition they were before; and at the end of the campaign the same recruit money shall be paid to the Danish officers, as is paid to the other officers of the States General, that so the said forces may always be preserved in a good condition, to be sent back, some time or other, as complete as they were received.

(12.) In like manner his Majesty the King of Great Britain and the States General promise that, if his Majesty the King of Denmark shall be attacked or troubled in the possession of his kingdoms, provinces, lands, prerogatives, tolls, navigation, commerce or other rights, they will speedily send back to him the said forces, giving them one month's pay to bear the charges of their return homewards which payment of a month's pay shall be made in like manner, when, after the peace, the said forces shall be sent home, and besides that, they shall send to his Majesty the King of Denmark, the succours by sea and land agreed on in the secret articles of the Treaty of the year 1690, which succours

they shall maintain during the war, at their own proper charges, his Majesty the King of Denmark not being obliged to supply the said forces with any thing but bread and forage. 1701-1702.  
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(13.) And, to make this Alliance and Union so much the more perfect and not to leave any scruple in the parties concerning the certainty of the succour they are to expect from one another, in the manner before agreed on, it is expressly covenanted that to make a judgment hereafter, whether this Alliance is to take place or not, it shall be sufficient that any of the parties be actually assaulted by force of arms without his having first used open force against the assailants, but this article shall be applicable only to the occasions that shall happen hereafter. For the present the succour of twelve thousand men shall march towards the frontiers of the States General, as soon as this Treaty shall be signed, as is mentioned in the 10th article.

(14.) This Alliance shall continue the space of ten years, to be reckoned from the day of the signing of this Treaty, and the Alliances of 1690 and 1696 being renewed by this Treaty, shall remain in force for the same term of ten years.

(15.) The Emperor shall be invited to enter into this Alliance, and, if the King of Prussia, the House of Lunenbourg and that of Hesse Cassel shall desire to be comprised in it, the principal contractors are at liberty to consent to it, after they have agreed amongst themselves of the conditions upon which the said potentates may be received into it.

(16.) The ratifications of this present Treaty shall be exchanged at Copenhagen in six weeks' time, on the side of his Majesty the King of Great Britain, and in four weeks on the part of the States General, to be reckoned from the day of the signing of this Treaty. In testimony whereof, we have signed this Treaty and set thereto the seals of our arms. Done at Copenhagen, the 15th of June, in the year 1701.

H. GREG. (L.S.)

*Endorsed* 4. [Another translation, slightly different, is printed in Jenkinson Treaties, London, 1785, Vol. I., p. 331].

(e) Translation of the secret articles of the Treaty with Denmark, dated 15 June 1701, as follows :—

(1.) In case the succours which his Majesty the King of Denmark has promised in the 10th article of the Treaty, concluded this day, to send to his Majesty the King of Great Britain and the States General should not be sufficient to put them out of pain and care, the said potentates shall give notice thereof to his Majesty the King of Denmark, who promises to keep in a readiness for them four thousand men, to be sent to their assistance within three months after demand is made, upon the same conditions which are agreed on in the said 10th article of the Treaty, concluded this day, which is referred to. As to what concerns the levy, the pay, the recruits and entertainment of the said troops, and, as to the manner in which they are to be sent home, that shall be observed that is agreed on in [the] 12th article of this Treaty for the other troops. His Majesty the King of Great Britain and the States General may act with these 4,000 men, as also with the 12,000 men mentioned in the 10th article of this Treaty, in such place and against such enemies as they shall think fit, and they shall be regularly paid.



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(2.) If it should happen that his Majesty the King of Denmark should be attacked by any potentate, on occasion of this defensive Alliance, or otherwise, and that the ordinary succour stipulated in the secret articles of the Treaty of 1690 should not be sufficient to procure him a good and advantageous peace, his Majesty the King of Great Britain and the States General promise to assist him with all their forces, by land and by sea, as his Majesty the King of Denmark will in the like case assist his Majesty the King of Great Britain and the States General with all his forces by sea and by land.

(3.) His Majesty the King of Great Britain and the States General do likewise promise to do, by their good offices, all that is possible, to the end that his Majesty the King of Denmark may lose nothing of the pretensions he has of money from the Crown of Spain, to the intent that, by the treaty of peace, the Catholic King should be obliged to discharge the said pretensions within a time limited, and in case a war or rupture does not happen, they shall endeavour to have that payment conditioned in any treaty that they shall make with France or Spain.

(4.) Moreover, his Majesty the King of Great Britain and the States General promise to employ their good offices with care and diligence, to the end that the Emperor may pay to his Majesty the King of Denmark, a million of crowns which are owing to him by the Emperor and the Empire, or else that his Majesty may have satisfaction for that debt, in some sufficient manner, either by a grant of a toll upon the Elbe, or otherwise, and, when he shall have received the said satisfaction, he promises to assist the Emperor in case of need, with 3,000 foot soldiers, on the conditions agreed on in the 6th article of the Treaty, made between the principal contractors in the year 1696.

(5.) Furthermore, his Majesty the King of Great Britain and the States General promise to use their good offices, with all possible efficacy, to the end that the Duke of Holstein Gottorp may conform himself to the Treaty of Travondal, and observe the true and natural sense of it, and that his Highness may maintain good friendship and confidence with his Majesty the King of Denmark to take away all sort of jealousy while his Majesty sends so considerable a number of his troops out of his own dominions.

(6.) The principal contractors shall employ their good offices that the peace in the Empire may entirely be preserved.

(7.) His Majesty the King of Denmark having declared to his Majesty the King of Great Britain and the States General that he is in treaty with the Emperor for some troops that his Imperial Majesty has demanded of his Danish Majesty, and that his Danish Majesty has not troops enough to give the Emperor the number he requires, unless his Majesty the King of Great Britain and the States General will, by way of provision leave to the Emperor 2,000 men of the 12,000 mentioned in the 10th article of this Treaty. His Majesty the King of Great Britain and the States General have declared that they are content that the Emperor should have 2,000 men of the 12,000 mentioned in the 10th article aforesaid, and his Majesty the King of Denmark promises to make good to his Britannic Majesty and the States General the said 2,000 men in six months' time after the signing of this Treaty.

(8.) Although it is said in the 3rd article of this Treaty that a fleet of merchantmen shall not be taken for such, unless it shall consist of 40 merchant ships, or upwards, the King of Denmark does declare that, as the English cannot in that manner trade freely and in safety in his dominions and in the Baltic Sea, his Majesty will permit their ships of war at all times to enter into his ports, when they come to convoy inwards or outwards such a number of merchant ships as they shall think fit.

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(9.) His Majesty the King of Great Britain and the States General promise that they will before the ratification of this Treaty, agree with his Majesty the King of Denmark about such assurances for the security of the payments as his Majesty may be satisfied with.

(10.) In case things should come to a war his Majesty the King of Denmark shall not be obliged to enter into it, but shall be reputed to have made good this Alliance in sending the succours of 16,000 men mentioned in the 10th article and first secret article, and for the rest putting in execution the contents of this Treaty. Done at Copenhagen, this 15th June 1701.

H. GREG (L.S.)

*Endorsed 5.*

1695. Jan. 5. Jacobite Plots (William Fuller).—Petition of William Fuller, Gent. Petitioner has long groaned under intolerable misfortunes occasioned through the immaturity of his judgment, which was so easily imposed on by the perfidies of Col. Thomas Dallevall and Mr. George Hayes, for whose appearance Petitioner engaged to the House of Commons, intentionally for the Nation's service, though the event proved contrary; and for their failure Petitioner incurred the displeasure of the House. He presumes that most of the present members of the Commons were present when his informations were read in 1691, when also L. Preston's and Mr. Matthew Crone's confessions, which confirm them on oath, were laid the same day before the House. Prays mature consideration of his unhappy case, having been ensnared by the artifices of the late King and his adherents employed for that purpose, with a design to prevent Petitioner's discoveries of the true mother of the pretended Prince of Wales, and concerning their horrid and bloody designs against his present Majesty, Mr. Thomas Jones is now in England, who was privy to that intrigue of Dallevall and Hays, and was ordered to attend the House of Commons with them on Feb. 23, 1691-2, but that same day escaped to France with them by the help of a pass. Petitioner is ready to produce Jones and the pass, with witnesses to prove Jones paid 500 guineas at the Secretary's office for the pass, and sums amounting to 6,000*l.*, by order of the late King and Queen, to baffle Petitioner. Prays leave to lay before Parliament the voluntary affidavits of 45 persons of honour and worth, to prove the whole management of the suppositious birth of the pretended Prince of Wales, with names and residences of the deponents. Repeats, and the truth is known to many, that he was the first who discovered to King William Col. Parker's and the Chevalier Grandvil's design of assassinating him in Flanders, where the latter suffered for the same and confessed his horrid intentions. Petitioner has been long reduced to great extremity, though some great men have gained honour and advantage by his discoveries, leaving him to starve even for want of the money he had disbursed in the Nation's service, as D. Shrewsbury has certified by his own hand. He has for several years been the object of the most inveterate hatred of the late King and his adherents, both



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here and in France, and has been falsely and maliciously abused by several scandalous libels written and publicly owned by William Pettis for Abel Roper and Chantry, booksellers, published by John Nutt and advertised by Ben Beardwell in his *Post Boy*, tending to deceive the people by pretending to justify the legitimacy of the pretended Prince of Wales; and Pettis has declared he is resolved and proud to vindicate that impostor whom he terms King James III. Petitioner can prove himself innocent of the crimes laid to his charge. Prays his case may be considered, and that he may be made as dreadful an example as the greatest impostor that ever lived if he does not prove each particular in this case; and for leave to publish the depositions of Thomas Jones and Thomas Witherington, Esqs., at length, with the names of those mentioned therein who have taken bribes from France to ruin this Nation. *Signed* by Petitioner [Enclosed in a letter to L. Keeper, and read this day, together with two of Fuller's books. Fuller and Mrs. Baldwin, who dispersed the books, were sent for. L. J., XVII. 12. On 7 Jan., after Mrs. Baldwin's examination as to her authority for publishing the books,\* Fuller was examined as to the existence of Jones and the authorship of the books. *Ordered* that no person speak with Mr. Fuller until the rising of the House.† *Mr. Fuller* was called in again. *Asked* whether Mr. Jones be known to any of the Lords or Commons? *He says*, I cannot affirm he is. *Q.* Name any man that has known him. *A.* One Mr. Ingram, a kinsman of mine, is gone for him. Mr. Ingram lives at Richmond. Several persons in Hampshire know him. One Earle, of Southampton, knows him. Some part of his estate lies in Shropshire, some in Dorsetshire, and some near Redbridge, in Hampshire. If I do not produce Mr. Jones in five days, I will suffer all the severities the House can lay upon me. He withdrew. *Moved* that the printer be sent for by a messenger, and that the copy be brought by which he printed the book. *Mr. Fuller* was called in. *Asked* who printed the book for him? *A.* One Buck had the book to print. He lives at Temple Bar. I do not remember I put in the paragraph I was asked about in the preface. *Ordered* that William Fuller do go with a messenger to Mr. Buck and fetch the copy, and Mr. Buck to attend immediately, and, if the copy be not there, to bring Mr. Buck. . . . Mr. Hancock, the messenger sent with Mr. Fuller for Mr. Buck and the copy by which he printed Mr. Fuller's book, was called in. *Says* they have been at Mr. Buck's shop, and he was not at home; and went to his house, and he was not there. *Mrs. Baldwin* was called in. *Says* she has not the copy. She does not know but she can produce it. She believes it is in Buck's hands. *Ordered* that one of the officers keep Mr. Fuller company until to-morrow, and that a messenger look for Mr. Buck, as ordered, and that Mr. Buck attend to-morrow. *Ordered* that Mr. Fuller do, on Wednesday next, produce Mr. Thomas Jones, mentioned in his Petition, and that Mr. Jones have the protection of this House. Then follow Orders for the messenger to keep Fuller in custody until the sitting of the House the next day unless Buck produced the copy, and that Buck be forthwith taken into custody, and that the messenger seal up the copy and that no one speak with him until the following morning; and an expunged entry that the House was informed that one had spoken with Buck, and he is gone for the copy. Then Fuller was called in and told the Order made as to his producing Jones. The

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\* L. J., XVII. *In extenso.*

† This Order occurs after an expunged Order that he be kept by himself until further Order.

House was informed that Buek had sent the papers. A man was called in and delivered the papers, which he said he had from Buek; and Buek was at the Horn Tavern. *Mr. Buck* was called in and shown the papers. *He says* he had those papers from Mr. Fuller. There is no alteration or interlineation but one, which was made by Mr. Wever. The rest of Buck's examination is as in L. J. *Ordered* that Wever do attend to-morrow. MS. Min. L. J., XVII. 13. 1701-1702.  
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On 8 Jan. a letter from Fuller complaining of elose confinement in the Fleet (Annex (a)) was read. *Ordered* that the Warden of the Fleet and Fuller attend immediately. After some time the Warden of the Fleet was called in and told what Mr. Fuller complained of. *He says* Fuller was committed to him for mean actions: I thought fit to confine him, that I might be sure he should attend the House. *Q.* How came you to confine him last night? *A.* I was neither directed nor desired by any person in the world. Then follows an expunged Order that Mr. Fuller shall have the protection of this House till Wednesday next. The rest as in L. J., XVII. 14. MS. Min.

On 9 Jan. *Moved* that Fuller name any person to attend him, that he may be sure [desire] to attend him, and that he may be sent for and this to be told him. *Ordered* that William Fuller be sent for to attend the House presently. *Ordered* that when an Order is made the Clerk shall read the Minutes, and then the Lord Keeper shall ask the consent of the House before it is settled. Then the Order for the L. Keeper to write to Mr. Thomas Hobby and Sir John Hobby was made. House was informed that Fuller was at the door. He was called in. *Asked* what Englefield's Christian name is? *He says* it is John. *Asked* out of his book concerning what Minister of State he showed these depositions to. *A.* Mr. Jones went to the Secretary, and I could not get admittance. I carried the depositions to the Secretary's Office, and I published them. I spake with Mr. Ellis and acquainted him that Jones was ready to make his deposition. . . . *Asked* if he have the pass he says in his book. *He says* he has not, but Mr. Jones has. . . . *Ordered* that Mr. Ellis attend this House presently. *Moved* that Mr. Fuller be called in and *told\** that he *should* send [the names of those members of the House of Commons or others that saw] *to this House a list of those names he says in his book saw* Delavall [Dalleval] and Hayes. *Proposed* that Mr. Fuller be called in and told that he should send to this House to-morrow a list of those [names he mentions] *persons he says* in his book [to have seen] *saw* Delavall and Hayes in the Lobby of the House of Commons. The rest as in L. J., XVII. 15. MS. Min.

On 19 Jan. after Fuller had stated that a warrant to secure Jones had been refused, he added, Mr. Jones stayed after this with me, but when he heard the Secretary would not grant his summons he went out of town. . . . After the Order to the Deputy Gentleman Usher to attend Fuller in his lodgings, *Moved* to censure Mr. Fuller's book, or him, and the Resolution thereupon was carried by 35 votes to 20: Tellers, E. Stamford, L. Mohun. In addition to the Orders entered in L. J., XVII. 19. *Ordered* that the Deputy Gentleman Usher do deliver Fuller to the Warden of the Fleet. MS. Min.

On 20 Jan. *Mr. Prime*, who, as Fuller stated, had supplied him with money, was examined. *Asked* what he had given him, and whether he had any money from any others to give him? *He said*, I have lent him some; I believe, near 20*l.* I had hopes to have it again. I have not received any of any other. . . . *Asked* what other man, (besides

\* Additions in italics, omissions in square brackets.



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Mr. Robert Murrey), had advised him to furnish Mr. Fuller? *He said*, I do not know any person but Mr. Robert Murrey. He lodges in New Street, at a sword cutler's; and Mr. Murrey is without. *Mr. Robert Murrey* was then examined. *He said*, among other things, that he had heard Fuller was under the censure of the Commons, and that he did not know any other person, (except Prime), that lent him money. *Asked* if he was spoken to [by] any person to procure him money? *Said*, I cannot say anybody did. I knew him by seeing him at the printing house. . . . *Ordered* Mr. Prime and Mr. Murrey to be at liberty. Rest as in L. J., XVII. 20. MS. Min. On 10 Feb. the Attorney-General acquainted the House he could not try Fuller this term, as requested by a letter from him, but could try him before the Commissioners of Oyer and Terminer at the Old Bailey. *Ordered* that he do accordingly prosecute him before the said Commissioners. *Ordered* that the Attorney-General do send Sir Lacon William Child and Mr. Rogers to Fuller and assure him that he shall have the protection of this House for Mr. Thomas Jones and Mr. Englefeild, if he will produce them. This was altered to the Order entered in L. J., XVII. 32. MS. Min. On the Masters' Report on 11 Feb. *Ordered* that the Attorney-General do prosecute him with the utmost severity with all speed, as in L. J., XVII. 32. MS. Min. On 6 May 1702 *Moved* that Mr. Buck, the bookseller, be made use of as an evidence at Fuller's trial. *Ordered* that Mr. Attorney-General forbear to prosecute Mr. Buck, and that he be made use of at the trial of Mr. Fuller. MS. Min. L. J., XVII. 116.]

Annexed:—

(a) 8 Jan. Letter from Fuller to the Lord Keeper. On his return from the House yesterday to the Fleet, where he has been many years a prisoner, lodging in the Rules, the Warden shut him up a close prisoner, so that it will be almost impossible for him to produce Jones and other witnesses. Prays for an Order that he may go abroad in custody. If he had done or offered anything he could not compensate for, he might easily have absconded yesterday; and, if by this restraint his endeavours are prevented, as they have been very often by cruel, unlawful and subtle devices of men in power, he hopes such a miscarriage will not be imputed to him. He knows his friends will shun him whilst he is in that place, and, having no fortune of his own, he will be destitute of all necessaries. If he may obtain an absolute necessary assistance, he doubts not but by Wednesday next at furthest he will be able to convince their Lordships how greatly he has been abused, how falsely matters are represented against him, and that there is such a man as Mr. Thomas Jones, who will most plainly prove the contents of what he has published at his request. *Signed* W. Fuller. *Dated* this day. *Endorsed* as read this day. L. J., XVII. 14.

(b) 12 Jan. Letter from the same to the same. Finds the papers containing the names of persons that saw Dallevall and Hayes in the Lobby are in the country, where he has lately been for some time. He has sent for them. Mr. John Ingelsfeild [Englefield], who is his nearest relation, and has a competent fortune and truly loves the present Government, and at whose house Mr. Jones and his family are, assures him that Jones will make good what he has engaged for him. Jones having given him several undeniable proofs of his desire and ability to serve the Government, after several disappointments, Fuller brought him and Ingelsfeild to be intimately acquainted. In February last Mr. Jones desired

him to inform Mr. Secretary Hedges that, if he would grant a warrant against him, he would not only surrender himself to a messenger, but desired that Father Johnson, Mr. Barkenhead and several others, dangerous conspirators then in England, might be inserted in the warrant. Mr. Jones promising to deliver them into the hands of justice. Upon this, unknown to Fuller, a warrant was given to Mr. Nicholas Hill, messenger, and Fuller coming next day to Mr. Ellis and asking when the warrant would be ready, the latter answered that a messenger was already gone with it. Fuller told him it was strange to send to take Mr. Jones without inquiring of him what house he was at or what name he went by, for he was then newly come from France and not publicly known. After this the same messenger, with four more and Mr. Fuller, were sent down to seize Mr. Jones and the others, and when they were come near the places they were at, Fuller told the messengers where the persons to be taken were, and they might execute their warrant. Upon which they consulted amongst themselves and told him they had not power to enter or search those houses, and they could not. Then he and they wrote to the Secretary begging a full power, and he offered to procure affidavits in the country that those men were there; but no warrant was sent them, though two of the messengers went to Whitehall for one, the rest, with him, staying some days in expectation of it; but none came and the messengers were ordered home. After this Mr. Ingelsfeild went to Mr. Jones and was advised by him to get his affidavit made before Mr. Hobby, a Justice of the Peace; but Mr. Ingelsfeild tells him Mr. Hobby was not at home, so the affidavit was taken by a Justice living near Mr. Ingelsfeild, who will be in town next week with Jones and Ingelsfeild. Fuller was not aware of this, as he had been told it would be taken before Mr. Hobby, and had seen letters to the same purpose. Begs pardon for mentioning Mr. Hobby's name. Had only been shown a part of the affidavit which related to himself and some other small matters necessary to be published in order to bring the whole before Parliament. Mr. Ingelsfeild took security of Mr. Jones that he might not leave Fuller, and they came to town together last Session and stayed while Fuller endeavoured to bring the matter to a hearing and the latter part of the summer; and very lately they stayed about Richmond and Hampton Court to be in readiness, if Fuller could have prevailed, as he often endeavoured, to get the Secretary of State to examine Mr. Jones and to read over his affidavit. Mr. Ingelsfeild thinks himself in honour obliged to take care of Mr. Jones, who, for many reasons, desires he may not be exposed until he has appeared before the House. Mr. Ingelsfeild is returned home to carry the Lords' Order for Mr. Jones to attend them, and has encouraged Fuller confidently to affirm he will produce Mr. Jones with the Justice of the Peace and the original affidavit. Prays for two or three days more for Mr. Jones' appearing, as he is 80 miles off and, being troubled with gravel, must come in a coach; and, if this further time be allowed him, he desires to be used with the utmost severity if he does not produce Mr. Jones. Begs their Lordships' protection, as he receives so many abuses that his life is in danger. *Signed* W. Fuller. *Dated* 10 Jan. *Endorsed* Mr. Fuller's 2nd Letter. Read 12 Jan. 1701. L. J., XVII. 16.

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(c) 12 Jan. A Paper from Mr. Fuller received 12 Jan. 1701. In March 1697, to the best of my remembrance, it was when ——— Gunter Esq. and Mr. William Prise, (who both knew Mr. Thomas Jones very well), did, at the Rumer Tavern at Charing Cross, give me the names and places of abode of several persons to whom they showed Col. Dallevall, Mr. Geo. Hayes and Mr. Tho. Jones in the Lobby of the House of Commons on 22 Feb. 1691-2, which they, the said Gunter and Prise, certified under their hands and seals in the presenee of John Arnald, Esq., and others, who signed the said certificate as witnesses; which certificate is now in my trunk at my kinsman's, Mr. Ingelsfeild's, and I have sent for it, as witness my hand this 12th day of January 1701-2. *Signed* W. Fuller. *Endorsed* A paper from Mr. Fuller received 12 Jan. 1701.

(d) 19 Jan. Letter from Fuller to the Lord Keeper. For his own security, by Mr. Jones' consent, he went on Wednesday to Mr. Stannion, secretary to E. Manchester, for a warrant and messengers to fetch up Mr. Jones and to secure him until discharged by the House. E. Manchester answered he would not have to do with that matter; it being before the House of Lords. He hoped his Lordship would have informed the House yesterday of his request, but hearing nothing of it, he waited last night to have spoken to the L. Keeper on the same account. Mr. Jones is now come nearer town, but is resolved to advance no further unless he be brought in custody, because of the many devilish devices to ruin him and Fuller. The enclosed pamphlet published yesterday is such an abuse as surely was never before put on any man that endeavours, at his own expense and hazard of his life, to serve the Government, and is a violent presumption, the Lords having granted their protection to Mr. Jones, that some men both fear and would prevent his coming. Fuller has been in danger three times to be murdered as he was coming from the House. He can prove what was printed against him to be notoriously false. Prays for a power, with messengers to fetch up Mr. Jones in a coach, that he may be before the House on Monday next, and desires to be sent in custody to fetch him, without which he cannot safely proceed; and, if he fails to do so, he is ready for bonds or imprisonment. *Signed* W. Fuller. *Dated* 16 Jan. *Endorsed* as delivered to L. Keeper on 16th and read this day. L. J., XVII. 18.

(e) 19 Jan. Letter from the same to the same. Mr. Jones still resolves not to appear unless fetched in custody or that the Lords pass an Order to hear and protect his witnesses. Cannot doubt but his Lordship and L. Manchester will inform the Lords what he has done to obtain a warrant to secure Jones, whom he would have produced this day had he obtained it. Has waited three times on L. Keeper on the subject. If he obtain a warrant and messengers, he will produce Mr. Jones in two or three days. *Signed* W. Fuller. *Dated* 19 Jan. *Endorsed* as delivered to L. Keeper and read this day. L. J., XVII. 18.

(f) 19 Jan. Letter from Mr. Hoby to L. Keeper. Knows no such person as Mr. Thomas Jones or Mr. John Englefield, nor did he ever take any deposition from either of them or any other concerning the matter set forth in Fuller's book. Had he done so, and not transmitted it to some Privy Councillor or Minister of State, he would not think himself worthy to be continued in Commission of the Peace. Will, if required, confront Jones,

Englefield and Fuller, and do his best to bring them to the utmost punishment that such villains deserve. *Signed* Tho. Hoby. *Dated* Bickton, 14 Jan. *Endorsed* as read this day. 1701-1702.  
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(g) 19 Jan. Letter from Sir John Hoby to the L. Keeper. Never saw Mr. Thomas Jones or Mr. John Englefield, or took any depositions from either. Had he done so, his zeal and affection to the present Establishment would have obliged him to transmit them to his Lordship or a Secretary of State. *Signed* John Hoby. *Dated* Somerley, 14 Jan. *Endorsed* as read this day. L. J., XVII. 18.

1696. Jan. 7. Security of the King's Person, &c., [H. L.] Bill.—Amended\* Draft of an Act for the security of his Majesty's person and government, and for maintaining the succession of the Crown according to the two late Acts of Parliament. Whereas by an Act, made in the first year of the reign of his most Excellent Majesty and the late Queen Mary, of blessed memory, intituled an Act declaring the rights and liberties of the subject and settling the succession of the Crown, and by another Act, made in the twelfth year of his Majesty's reign, intituled an Act for the further limitation of the Crown and better securing the rights and liberties of the subject, the Crown and royal dignity of this realm and the dominions and territories thereto belonging and the succession thereof was declared, settled, limited and appointed in such manner and form as by the said Acts respectively does appear; and Whereas, since the making of the said Acts, the pretended Prince of Wales, by the incitation and encouragement of the French King, in whose dominions he now remains, and also by the practices and instigations of divers wicked and traitorous persons, meaning and desiring to disturb the peace and repose of your Majesty and your Kingdoms, and create divisions therein, has most unjustly taken upon himself the name of King James the Third, and to use the style and title of King of this realm and other your Majesty's dominions, in open defiance of the good and perfect provision made for the certainty of the title and succession of the Crown by the several Acts of Parliament before-mentioned, upon which Acts the safety of your Majesty's person and of the persons of your successors, the peace of your subjects and their posterity, and the security of the Protestant religion and the liberties of the Kingdom do *under God* entirely depend; We your Majesty's most dutiful and loyal subjects the Lords Spiritual and Temporal and Commons in this present Parliament assembled, most seriously calling to remembrance the divisions which in times past have arisen within this realm, by reason of several pretenders to the Imperial Crown thereof, and being heartily solicitous to prevent the like for the future, and firmly believing that the most effectual way of discouraging the traitorous and wicked designs of such as mind to disturb the quiet enjoyment of the Crown of this Realm by your Majesty and the persons intituled to the succession of the same, according to the before-mentioned Acts, will be by making it evidently appear to the world that your Majesty's loyal and dutiful subjects are in the strictest and most solemn manner united and associated in defence of your Majesty's most sacred person and your most rightful and undoubted title to the Crown and royal dignity of this realm, and in support and maintenance of the succession of the same in such order, manner and form as the same now stands established by the said two Acts; and also

\* Additions in italics; omissions in square brackets.



1701-1702. that your Majesty's good and loyal subjects will be the better fortified and encouraged, according to their bounden duty, to expose and hazard  
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 No. 1696. their persons and estates in defence of your Majesty and the said succession of the Crown when they assuredly know and are satisfied that they stand, every of them, engaged, by their voluntary and express declaration of themselves upon oath, to assist one another in the support and maintenance of the same; Do most humbly beseech your Majesty that it may be enacted, and be it enacted, &c.

i. That it shall be lawful for any person or persons within this realm, or other your Majesty's dominions, above the age of sixteen years to make a corporal oath upon the Holy Evangelists before such person or persons as your Majesty under the Great Seal of England or under your Majesty's Privy Seal shall assign and name to administer the same, according to the tenor and effect following, that is to say,

I, A.B., do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world that our Sovereign Lord King William is lawful and rightful King of this realm, and of all other his Majesty's dominions and countries, and I do utterly testify and declare that I do believe in my conscience that the person pretending to be, or commonly called or known by the name of Prince of Wales, during the life of the late King James, and since his death pretending to be, or taking upon himself the style or title of King of England, by the name of James the Third, has no right or title whatsoever to the Crown of this realm, nor to any other the dominions thereto belonging: And I do solemnly declare that I renounce, refuse and abjure any allegiance or obedience to him the said James [now and for all time hereafter].\* And I do make this recognition, declaration and renunciation heartily, willingly and truly, upon the true faith of a Christian, without any equivocation or mental reservation or secret evasion whatsoever. And I do swear that I will bear faith and true allegiance to his Majesty King William, and him will defend to the utmost of my power against all persons, conspiracies and attempts whatsoever, which shall be made against his Person, Crown or Dignity, and will do my best endeavour to disclose and make known to his Majesty all treasons and traitorous conspiracies which I shall know or hear of to be against him, and I will, to the uttermost of my power, support, maintain and defend against him, the said James, and all other persons whatsoever, the succession of the Crown according as the same does now stand limited and settled by an Act intituled an Act declaring the rights and liberties of the subject and settling the succession of the Crown and by another Act intituled an Act for the further limitation of the Crown and better securing the rights and liberties of the subject, according to such order and manner as the same is limited and set down in the said respective Act.

ii. And be it further enacted by the authority aforesaid that the said person or persons who shall be authorised and assigned, as aforesaid, to administer the said oath shall accordingly cause the several persons, from time to time offering themselves to make the said oath before them, to subscribe the same in one or more rolls of parchment to be prepared for that purpose and shall not require or take from any

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\* These words were carefully obliterated in the Draft before it was brought in, and are almost illegible.

person offering to make the said oath any fee or sum whatsoever upon account of administering, making or subscribing the said oath. 1701-1702.

iii. And be it further enacted by the authority aforesaid that the said persons appointed to administer the said oath shall from time to time transmit the said rolls of parchment, wherein the subscriptions are made as aforesaid, to his Majesty's Court of King's Bench, in case the said oaths were administered and subscriptions made within the cities of London and Westminster or county of Middlesex; or in case the said oaths were administered and subscriptions made in any other county or place, then to transmit the said rolls to the Court of Sessions of the Peace for the said county or place, there to remain of record. — No. 1696.

iv. And be it further enacted by the authority aforesaid that it shall be lawful at any time or times hereafter, and from time to time, when it shall please his Majesty to authorise any person or persons under the Great Seal of England or under his Majesty's Privy Seal, as to his Majesty shall seem good, to offer and tender the oath hereinbefore mentioned to any person or persons whatsoever, and the said person or persons so authorised are hereby required to tender and administer the said oath to every such person, and to cause the said person, at the time of making the said oath, to subscribe the same in one or more roll or rolls of parchment to be provided for that purpose; and the said persons so authorised shall not demand or take any fee or reward whatsoever upon account of administering, making or subscribing the said oath. And, in case any person or persons to whom the said oath shall be tendered as aforesaid shall refuse the same or shall absent himself in such manner that the said oath may not be tendered to him according to the intent of this Act, the persons authorised to tender and administer the said oath shall cause such refusal or absenting to be entered upon such roll or rolls of parchment, and the said person or persons so authorised to tender and administer the said oaths are hereby required to certify the said rolls of parchment from time to time with all convenient speed under their hands and seals to his Majesty in Council, there to remain and to be kept together with the Council Books, or otherwise to be transmitted into the Court of King's Bench, there to remain upon record, as to his Majesty shall seem most expedient.

v. And be it further enacted by the authority aforesaid that on or before the *second* day of *February* 1701, the Lord Keeper of the Great Seal of England or other Speaker of the House of Lords for the time being shall cause the said oath to be tendered to every member of the said House of Lords, and the Speaker of the House of Commons for the time being shall cause the said oath to be tendered to every member of the said House of Commons, during the sitting of the respective Houses, at the Clerks' Table in the said Houses respectively; and every member of either of the said Houses taking the said oath shall at the same time subscribe the same in a roll of parchment to be prepared for that purpose and to be kept and preserved in the said Houses respectively. And, in case any member of either of the said Houses shall refuse to take the said oath, such refusal shall be entered upon the said roll, and the said Lord Keeper of the Great Seal of England, or other Speaker of the House of Lords, and the Speaker of the House of Commons shall [cause] *summon* every member of either of the said Houses who shall not be present in the said respective Houses at the time of tendering the said oath, as aforesaid, to attend in person at a certain day in order to have the said oath tendered to him.

vi. And be it further enacted that, from and after the *said second* day of February, no person then being or that shall at any time



1701-1702. [here] after be a member of either of the said Houses of Parliament shall  
 — give his vote in either of the said Houses, or sit there during any debate,  
 No. 1696. until such time as the said oath shall be tendered to him, upon pain of  
 incurring the like penalty, forfeiture and disability as if he had been  
 present at any debate or given any vote in either of the said Houses  
 without having first made, repeated and subscribed the declaration  
 mentioned and enacted in an Act of Parliament, made in the thirtieth  
 year of the late King Charles the Second, intituled An Act for the more  
 effectual preserving the King's person and government by disabling  
 Papists to sit in either House of Parliament.

vii. And be it further enacted by the authority aforesaid that if any  
 person or persons whatsoever, authorised or required, according to the  
 intent and meaning of this Act, to tender the said oath to any person or  
 persons, shall refuse or neglect to do or perform any matter or thing in  
 and by this Act required, such person or persons, being thereof lawfully  
 convict, shall incur the danger and penalty of præmunire mentioned in  
 the Statute of Præmunire, made in the sixteenth year of King Richard  
 the Second.

[On 2 Jan., after a Committee had been appointed to draw an  
 Address assuring the King that the House would stand by him against  
 France, which was the result of a debate on that part of the King's  
 Speech which related to the French King's acknowledgment of the  
 Pretender, *Moved* to give leave for [blank] for [securing]\* *the more  
 effectual security of* the King's person; [for the maintaining] the  
 succession *of the Crown* in the Protestant [line] *religion*, according to  
 the late Acts of Parliament [in the Protestant] and the liberties of  
 England against the pretended Prince of Wales and all other pretenders  
 whatsoever. *Agreed to. Ordered* that the L. Wharton and L. Haver-  
 sham do prepare and bring in the Bill. MS. Min. L. J., XVII. 9.  
 Accordingly, on 7 Jan., L. Wharton brought in this Bill, which was  
 read 1<sup>a</sup>, and all the Lords were summoned to attend the Second  
 Reading. MS. Min. On 12 Jan. it was read 2<sup>a</sup> and committed to  
 C. W. H. presently. L. J., XVII. 12. In C. W. H., L. Herbert in the  
 Chair, the title and preamble were postponed, and the first enacting,  
 clause, the Oath, was read. After debate, an amendment was offered to  
 leave out after the word, Third, the words, has no right or title what-  
 soever to the Crown of this Realm, nor to any other the Dominions  
 thereto belonging; and I do solemnly declare that I renounce, refuse and  
 abjure any allegiance or obedience to him, the said James. *On  
 Question*, Whether these words shall stand part of this clause?  
*Resolved* in the affirmative. *On Question*, Whether to agree to the  
 clause without amendment? *Resolved* in the affirmative. Then the  
 next enacting clause was read. *Agreed*. The next two clauses were  
 read. *Agreed*. The next enacting clause was read. 5 Sh., l. 15, fill  
 the blank with the words, second day of February 1701. 6 Sh., l. 3,  
 leave out the word, cause, and instead thereof read the word, summon.  
 L. 8, fill the blank with the words, the said 2nd day of February.  
*Agreed*. The next clause was read. *Agreed*. The preamble was read.  
 1 Sh., l. 22, after the word, do, insert the words, under God. *Agreed*.  
 The title. *Agreed*. Bill reported with these amendments. *Agreed*  
 by the House. *Ordered* that the Bill, as amended, be engrossed.  
 MS. Min. L. J., XVII. 16. It was read 3<sup>a</sup> on 13 Jan. A rider was  
 added, and it was sent to the Commons. *Ib.*, 16. The Commons,  
 after a Second Reading on 17 Jan., ordered it to lie on the Table, a

\* Words omitted are in square brackets; those added are in italics.

Commons' Bill, for the same purpose, being before the House. C. J., 1701-1702. XIII. 683. *See* No. 1735.]

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No. 1696.

1697. Jan. 7. L. Mohun's Privilege (Sheperd).—Affidavit of Thomas Sheperd, of Gawsworth, Cheshire, Gent., steward to L. Mohun ever since the death of the late E. Macclesfield, that he was arrested on 15 Dec. last, at Macclesfield, by Henry Royle and Samuel Thornicroft, bailiffs, at the suit of Fitton, E Macclesfield, in an action of trespass upon the case to the damage of 100*l*. John Houghton was the attorney for the plaintiff. Petitioner was lodged in the common prison, in the custody of Henry Grantham, the gaoler. He has remained there, a close prisoner, though he often has demanded his liberty. He believes the action was brought at the instigation of John Hamond, clerk, and William Buckingham, Gent., agents to the Earl, without his knowledge. *Signed* T. Sheperd. *Sworn* at Birmingham, before Roger Manwaring, Justice of the Peace, on 1 Jan. [Read this day. *Ordered* that Sheperd be released. L. J., XVII. 12-13.]

1698. Jan. 9. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 15.

- (1) George, D. Cumberland.
- (2) John, L. De la Warr.

1699. Jan. 12. Writ of Summons (L. Lovelace).—Writ of Summons to John, Lord Lovelace. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J. XVII. 16.]

1700. Jan. 13. Writ of Summons (L. Lucas).—Writ of Summons to Robert, L. Lucas. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J., XVII. 16.]

1701. Jan. 15. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 17.

- (1) Henry, V. Longueville.
- (2) John [Evans] Bishop of Bangor.

1702. Jan. 19. Writs of Summons.—Writs of Summons, dated 13 Nov. 1701, to the following Peers, who took the Oaths this day. L. J., XVII. 18.

- (1) Richard, E. Scarborough.
- (2) Charles, E. Winchilsea.

1703. Jan. 21. E. Orrery's Estate Act.—Draft of an Act for enabling Lionel, Earl of Orrery, in the Kingdom of Ireland, by sale of certain lands and tenements, to raise money for payment of his debts and settle other lands to the uses and purposes in this Act mentioned. The only amendment was a clerical one in the Commons. C. J., XIII. 769. [Read 1<sup>a</sup> this day. Royal Assent 7 March. L. J., XVII. 21, 62. 14 Will. III. c. 8 in Long Cal. *See* Com. Book 10. Feb.]

Annexed :—

- (a) 20 Jan. Petition of Lionel, Earl of Orrery, of the Kingdom of Ireland, praying for leave to bring in the Bill. *Signed*

(O. 14.)

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1701-1702. Orrery. *Endorsed* as read this day. *Ordered* as desired.  
— L. J., XVII. 19.

No. 1704.

1704. Jan. 22. Writ of Summons (L. Grey of Warke).—Writ of Summons to Ralph, L. Grey de Werk. *Dated* 13 Nov. 1701. [Sat first in Parliament this day after the death of his brother, the Earl of Tankerville. L. J., XVII. 21.]

1705. Jan. 22. Pretender's Attainder Act.—Paper of amendments made by the Lords to the Bill for the Attainder of the pretended Prince of Wales. *Reported* from C. W. H. this day. L. J., XVII. 22. The amendments consist of the addition (1) of the words, and of Mary, late wife of James, late King of England, to the title, and (2) of the clause marked A (*see Annexes* below) after the word, treason, in Skin 2, l. 20.\* [The Bill was brought from the Commons and read 1<sup>a</sup> on 20 Jan.; it was read 2<sup>a</sup> and committed to C. W. H. this day. L. J., XVII. 20, 22. In C. W. H. this day, L. Herbert in the Chair, the title and preamble were postponed and the 1st and 2nd enacting clauses were read. *Agreed to*. A proviso or clause was offered for attainting the late Q. Mary. *Agreed to* leave out in the clause these words, and has taken upon [her] the regency of the [said] pretended Prince of Wales. *See Annex (a)*. After debate, on *Question*, Whether the clause now read shall be made part of the Bill? *Resolved* in the affirmative. The clause was added, as above, the preamble agreed, and the words noted above were added to the title. The Bill was then reported; the amendments were read twice and an amendment was made to leave out the word, Queen, and to add the words, late wife of the said King James. (*See Annex (a)*). MS. Min. The Commons disagreed to these amendments on the ground that an Attainder should not be by an amendment which could not receive sufficient consideration (*Annex (c)*). The Lords insisted. *Ordered* that the Managers of the Conference do inspect the Journals for precedents of clauses added to Attainder Bills, and to draw up Reasons. L. J., XVII. 28. On 7 Feb., in Select Committee, E. Stamford in the Chair, the Journal 31 Hen. VIII, where the Bill for attainting M. Exon and others, begun in the House of Lords, with the proceedings thereon, are perused. The Reason for the Commons disagreement to the clause added by their Lordships was read. Reasons were drawn and agreed to be reported. Com. Book. On the same day the Reasons were reported to the House, which agreed to the first two (*See Annex (d)*). *Proposed* to re-commit the Reasons. The third Reason was read, wherein the precedent was recited. The precedent was read out of the Journal. *Moved* to recommit the Reasons. After debate upon recommitting the whole. *On Question*, Whether the whole Report shall be recommitted? *Proposed* to put the *Previous Question*. *Agreed*. Then the *Previous Question* was put, Whether this Question shall be put? *Resolved* in the affirmative. Contents 20, Not Contents 17: Tellers, L. North, L. Herbert. Then the *Main Question* was put, Whether the whole Report shall be recommitted? *Resolved* in the affirmative. Contents 21, Not Contents 15: same Tellers. The whole Report was recommitted to the same Committee. MS. Min. 7 Feb. L. J., XVII. 29, 30. On 9 Feb., *Proposed* to desist from the amendments. *Ordered* that the Committee to draw Reasons be revived, and do sit presently in the Prince's

\* The Resolutions moved in the House of Commons on 2 Feb. with regard to these amendments are noted in the margin, viz., "Postponed. Disagreed" to the first amendment, "Disagreed" to the second. *See C. J.*, XIII. 713.

Lodgings. MS. Min. L. J., XVII. 30. The same day, in Select Committee, L. Herbert in the Chair, Reasons were drawn (*see Annex (e)*) and agreed to be reported for the Lords insisting on their amendments. Com. Book. The Reasons were reported the same day. *Agreed to.* A Conference was desired which was had the following day. The Bill, with Reasons, was then delivered to the Commons. L. J., XVII. 30, 31. On 12 Feb. *Agreed to* a Free Conference, desired by the Commons. The Bishops of Salisbury, Oxford, London, Chester and Worcester were added to the former Managers. L. Herbert reported from the Free Conference that the Lords had attended it and that Sir Rowland Gunne [Gwyn] managed for the Commons, and gave an account of what was offered at the Free Conference, and that they had received the Bill from the Commons, with the amendments. *Proposed to recede from the amendments. On Question, Whether this House shall recede from their amendments? Resolved in the affirmative.* MS. Min. L. J., XVII. 33, 34. The Bill received the Royal Assent on 2 March. *Ib.* 53. 13 & 14 Will. III. c. 3. Fol. Ed.]

1701-1702.

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No. 1705.

Annexed:—

(a) 22 Jan. Amended\* Draft of Clause marked A, as follows:—

And whereas Mary, late wife of James, late King of England, has adhered to your Majesty's enemies, and aided, abetted and assisted several persons attainted of high treason [and has taken upon her the regency of the said pretended Prince of Wales] and asserted the said pretended Prince of Wales to be now King of England; Be it therefore further enacted by the authority aforesaid that the said [Queen] Mary, *late wife of the said King James*, be attainted of high treason, and suffer such pains and incur all such forfeitures as a traitor attainted of high treason. [Added this day in C. W. H., after the word, treason, in Skin 2, l. 20, and amended in C. W. H. and on Report. *See Notes to first Paper.* MS. Min.]

(b) 22 Jan. Engrossment of above as amended.

(c) 6 Feb. Commons' Reasons for not agreeing to the Lords' amendments. Reported from the Conference this day. 'The word, because, is substituted for the word, believing. L. J., XVII. 28. *In extenso.* *See Notes to first Paper.*

(d) 7 Feb. Amended\* Draft of Lords' Reasons for insisting on their amendments. L. J., XVII. 29. *In extenso.* The first is as follows:—Because nothing can be more agreeable to the reason and design of the Bill itself, it being notoriously known that the pretended Prince of Wales has been bred up in the Romish superstition and encouraged to all [those] acts tending either to the bringing the French Government into this Kingdom [and] *or the dethroning his present Majesty as well* by the [joint] influence of his pretended mother as of the French King. *Noted Agreed.* The second is as in L. J. *Noted Agreed.* The third is as follows:—Because in a [less notorious case, both] Bill of a like nature, begun in the House of Lords (31 H. 8), to attain the Marquess of Exeter [and] *with others*, the Commons added a clause to attain several persons, *not named in that Bill by the Lords*, to which the Lords agreed;

\* Additions in italics; omissions in square brackets.



1701-1702.

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No. 1705.

and the Bill was passed with that amendment. The fourth is as in L. J. [Reported from the Committee and considered in the House this day and recommitted. See Notes to first Paper.]

- (e) 9 Feb. Amended\* Draft of Lords' Reasons for insisting on their amendments, reported this day from the Select Committee after recommitment. L. J., XVII. 31. *In extenso*. They are as follows:—The Lords insist [&c., as in L. J.] because the Lords are of opinion that [such] due consideration *such* as the nature of an Attainder does require may be had [as well] when the Attainder comes in by way of amendment [as if the person to be attainted had been originally named in the Bill]. And the Lords find the Commons themselves did by way of amendment add the names of several persons to be attainted in an Act, 31 H. 8, sent down by the Lords for attainting of the Marquess of Exeter and others; and they have never heard of any ill consequence by that proceeding, to which the Lords at that time made no exception. And though the Lords find that the Attainders of persons originally named in that Bill have been since reversed, yet it does not appear, *upon the search they have made*, but that the Attainders of the persons so added by the Commons remain to this day in force. [See Notes to first Paper.]

1706. Jan. 22. Printers and Printing Presses Bill.—Draft of an Act for the better regulating of printers and printing presses. The Bill is identical, except that the dates for the Act coming into operation and the amounts of the various penalties are left blank, with the Printing Regulation Bill of 1698-99,† as sent down to the Commons. [Read 1<sup>a</sup> this day. The Bill was read 2<sup>a</sup> on 24 Jan. and, after debate, *On Question*, the Motion to commit it was negatived. L. J., XVII. 23.]

1707. Feb. 3. Vaughan v. Thurston.—Petition and Appeal of Jonathan Vaughan and Katherine, his wife, relict and executrix of John Thurston. Robert Thurston, on the marriage of his son John to Appellant Katherine, gave him 100*l.* to purchase an annuity for his life of 20*l.* a year from John Stafford. On her husband's death, Katherine paid his debts to the utmost of the assets, but her father-in-law took possession of the house and turned her out, so that she had to be a hired servant until she married Appellant. Respondent then brought an action against Appellants for the 100*l.* pretending that it was only lent to his son, upon which they exhibited their Bill in Chancery, asking to be relieved against that debt and also claiming 15*l.* from Respondent as executor of one Cooke. The Causes were heard before Lord Chancellor Somers, who decreed an account before a master. It was finally adjudged by Sir Nathaniel Wright that Appellants should pay Respondent 85*l.* and his costs, (taxed at 224*l.* 17*s.* 4*d.*), but the assets, after paying Testator's debts, only amount to 85*l.* 2*s.* 4*d.* Appeal against the Decree. Signed by Appellants. Countersigned Tho. Gibbon, Ro. Price. L. J., XVII. 25. [On 25 Feb. the Appeal was heard and dismissed with 20*l.* costs. *Serjt. Gibbons* appeared for the Appellants and *Sir Thomas Powys* for the Respondent. No Counsel appeared for Appellants when the Cause came on for Hearing. They were sent for and *Serjt. Gibbons*

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\* Additions in italics; omissions in square brackets.

† House of Lords MSS., Vol. III. (New Series), No. 1339.

said he had been detained and hoped that the Cause might be put off. 1701-1702.  
MS. Min. L. J., XVII. 46.]

Annexed:—

No. 1707.

- (a) 12 Feb. Answer of Robert Thurston. The Decree and Order are just and equitable. Hopes the Appeal will be dismissed with costs. *Signed* by Respondent. *Countersigned* C. Coxe.  
(b) 16 Feb. Petition of Respondent for a short day for the Hearing and that the Appellant may enter into a recognizance in the mean time or that the Appeal may be dismissed. Endorsed as read this day. L. J., XVII. 35.

1708. Feb. 3. Wightwick's Estate Act.—Amended Draft of an Act for the settling and vesting divers manors and lands of Francis Wightwick, an infant, lying in the county of Stafford, in trustees, to enable them to settle and convey the same upon the marriage of the said Francis Wightwick to such uses, intents and purposes, as shall be agreed upon. In addition to some clerical amendments, the Lords inserted the names of the trustees. The amendments made by the Commons were merely of a drafting nature. C. J., XIII. 805. [Read 1<sup>a</sup> this day. Royal Assent 30 March 1702. L. J., XVII. 25, 87. 1 Anne c. 20 in Long Cal. See Com. Book 20 Feb.]

Annexed:—

- (a) 26 Jan. Petition of Francis Wightwick, of Dunstall, in the county of Stafford, Esq. His grandfather, Francis Wightwick, late of Dunstall, on the marriage of his son, Petitioner's father, to Elizabeth Fowler, with whom he received £1,350<sup>l</sup>. portion, made a settlement of his property in Wolverhampton, Tettenhall, Pen and Wightwick, Staffordshire, whereby Petitioner is seised in fee of part of it, and in fee tail of the rest, his mother Elizabeth having a life rent in part of the latter for her jointure. Petitioner is now, with the approbation of his mother and guardian and others, in treaty for a marriage with a person of very great fortune, but, being only nineteen, cannot make a settlement. Prays leave to bring in a Bill to vest his estate in trustees for that purpose. *Signed* Francis Wightwick. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 23.  
(b) 20 Feb. Consent of Walter Fowler, the grandfather, Elizabeth Wightwick, the mother, and John Wightwick, the uncle, of Francis, the infant, to the Bill, which will be for his advantage and for that of the whole family, and is to no other use than what he might by law make if he were of age. *Dated* 2 Feb. *Signed* and *Sealed* by the above and by Francis Wightwick. *Witnessed*, for the last, by John Pargiter and Row. Frytte, and for the rest, by William Bache and John Pargiter. [Produced and proved by Pargiter this day before the Select Committee. Com. Book.]  
(c) 20 Feb. Paper of amendments made in the Select Committee this day. Their effect is stated in description of Draft Bill above. Com. Book.

1709. Feb. 4. Melborne Rectory Bill.—Draft of an Act for increasing the rent of the Rectory of Melborne, in the county of Derby, to the Bishop of Carlisle and Vicar of Melborne aforesaid. The Bill is almost identical with Thomas Coke's Estate Act of 1704,\* subject to alterations in the preamble rendered necessary by a change in the

\* 3-4 Anne c. 32 in Long Cal.



- 1701-1702. Bishops of Carlisle and the death of King William, and the omission of any mention of the renunciation by William Allestry and Nieholas  
 —  
 No. 1709. Wilmott to act as executors of John Coke's Will. In this Bill also, in the clause concerning distress for arrears, the only provision is that the distress is to be impounded until the arrears and costs are satisfied. [Read 1<sup>a</sup> this day. L. J., XVII. 25. There were no further proceedings.]

Annexed :—

- (a) 3 Feb. Petition of Thomas Coke, Esq. Is tenant to the Bishop of Carlisle of the rectory and parsonage of Melborne, for three lives, now in being. There having been differences touching fines to be paid upon renewals of leases, Petitioner and the Bishop have come to an agreement for a considerable increasing of the rent to the Bishop and his successors and the yearly payment to the Vicar and his successors in lieu of fines. Prays leave to bring in an Act to give effect to that agreement. *Signed* Thomas Coke. *Endorsed* as read this day. L. J., XVII. 25.

1710. Feb. 5. *Hamilton v. Stevenson*.—Petition and Appeal of James Hamilton, of Bangor, in the Kingdom of Ireland, Esq., and Hans Hamilton, Esq., grandson and heir of Sir Hans Hamilton, Knt. and Bart. James, Earl of Clanbrassill, upon his marriage settled lands worth about 2,000*l.* a year upon his wife for her jointure. Afterwards upon his death-bed he left her, by Will, a third of his estate for life and the rest for the maintenance of his two sons and the payment of his debts. If his sons died without issue before his debts were paid, the rest of the two thirds, after payment of his debts, was to go to the eldest sons or issue male of his five uncles. Both sons died without issue but the elder son, after coming of age, had levied fines and suffered recoveries of the estate not in jointure and had left all his estate to his wife. On his death, his widow claimed the reversion in fee of the jointure lands alleging that the Will, made by James, Earl of Clanbrassill, was invalid, as he had been of unsound mind. The eldest sons of Earl James's five uncles filed a Bill against her to perpetuate testimony, whereupon she preferred a Bill to set aside the Will. They preferred a cross Bill to uphold it. As the evidence was contradictory, James Hamilton, of Neilsbrook, the eldest son of the eldest uncle, who claimed the whole estate under settlements made by Lord Clanboys [Claneboye], Earl James's father, refused to go further in the suit. The other four claimants empowered Appellant James Hamilton, one of their number, to proceed for them all. In the meanwhile, Earl Henry's\* widow settled the estate upon herself and her issue, or, in default, part of it upon Richard Spencer, part upon James Sloane and the rest upon her brother E. Drogheda, subject to her debts especially 3,000*l.*, borrowed from L. Bargany whom she married. On her death Sir Hans Hamilton and the Appellant James, two of the claimants, being advised that the remainder to the sons of the five uncles was barred by the fines and recoveries, bought out L. Bargany, Spencer and Sloane and agreed with Archibald and Patrick Hamilton that each of them should have a fifth part of the jointure lands and lands on lease for lives conveyed to them. James Hamilton, of Neilsbrook, did not agree to the arrangement but afterwards agreed to refer the matter to arbitrators, who awarded him a fifth part like the other sons. Before a conveyance was made, he died leaving three daughters, whose guardian filed a Bill against Appellants, suggesting that Sir Hans who had also died and Appellant

\* Henry, second Earl of Clanbrassill (1659-1675).

James had made purchases in trust for all the sons and claiming a fifth of the purchases on behalf of the three daughters. Two of these daughters then died and the other married Respondent Stevenson who revived the Cause. Before the hearing the award was performed by a partition of the estate, Respondents accepting their fifth part of the jointure lands and leasehold lands for lives. On the Cause being heard, the Lord Chancellor of Ireland decreed the Will to be good and ordered Respondents to have one fifth of the purchases made by Sir Hans and Appellant James. Appellants then brought a Bill against Respondents, stating the award and praying a specific performance of it by them, but, in spite of this, the Lord Chancellor ordered Appellants forthwith to convey to Respondents a fifth part of the purchases and ordered the rents to be sequestrated. Appeal against the Decree. *Signed* by Appellants. *Countersigned* Hen. Poley, James Sloane. L. J., XVII. 27. [The Cause was heard on 15 April. *Sir Thomas Powys* for the Appellants: These Respondents have accepted of a conveyance of the other lands. We hope your Lordships will not let a trust be set up after such an award. *Mr. Pooley*, on the same side: 'The question is whether there was a trust and an award. James [Hamilton], of Neilsbrook, set forth a distinct title. The question under the Will [is] whether they should have an estate of inheritance or for life. There was no declaration this purchase was for them. We say that award ought to be established. We hope the Decree shall be reversed. There was a common recovery suffered. They read the recovery. 28 Nov. Car. II. James Hamilton's several answer is read. They read several deeds and writings. These deeds have come and taken from us conveyances agreeing to relinquish any part and they are witnesses to nurse up this Cause 23 years after and set up a pretended trust. They read an arbitration bond in 1680. The award read, signed Creton and Hamilton. They read depositions: Pursuant to the award we have set them out the fifth part. *The Counsel for the Respondents* oppose the reading of the award: Against these deeds and award the Will pretends to set up a trust. 10 Feb. 1678 Order read; 24 July 1701 read; Order 12 Dec. 1701 read. *Mr. Cooper* for the Respondents: I will consider the case as it stands. We hope to prove the case and that that award should not stand in our way. These five, whereof my client claims under one of them, are well entitled to a fifth part by the Will. In 1677 Countess Alice dies. They took the conveyance from L. Bargany for themselves. What is there more agreeable to reason than to affirm this Decree? For the quieting of this Cause two of these have excluded themselves by this agreement. We have not. A grosser fraud was never heard in this or the other Kingdom. *Mr. Dobyne*, on the same side: The matter of the award ought to be laid out of this case, and there is a saving for the right by that award if any be. First, the award recites wrong persons. In the first place the bond was not sealed as they say. The referee, Mr. Hamill, was solicitor for them and kept back a witness that was to be examined and he must be the referee. He awards that which is unjust that the estate shall pay the debts. This award they would magnify. They read letters, [one of] 16 Jan. 1675, signed James Hamilton; [another of] 30 Jan. 1677, (the Jan. before the May that they made the agreement), [others of] 24 June 1676 [and] 28 March 1677. They read interrogatories. Archibald Hamilton. They read several depositions. On 16 April *Mr. Cooper* is further heard for Respondents: We proved the agreement to prosecute the suit jointly. They read several depositions. The deed enrolled read, whereby Sir Hans conveyed part of the inheritance, 24 Oct. 1678. *Sir Thomas Powys* proposes to read some witnesses by way

1701-1702.

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No. 1710.



1701-1702. of reply to show that Archibald and Patrick Hamilton are not to be allowed witnesses in this case, they being sharers in the case if the Cause goes as now it is: They are adventurers in this Cause. —  
 No. 1710. They read the beginning of the Decretal Order. *Mr. Pooley*: Though they have been read, yet they are not to be believed, being parties. They are under engagements with James, of Neilsbrook. November '85 read, (Kennedy), and several other depositions. This is the same Kennedy as was read yesterday on the other side. *Mr. Dobyys* proposes to read Archibald Hamilton's answer, which was read July 1697. *Mr. Cooper* sums up his evidence: They say the Chancellor of Ireland is inconsistent in his Decree. The strength of this rests on a wrong supposition. The case appears thus—Five have right to an estate. They empower two to sue for their right. They sue for it, take money to carry on the suit; they brought in the title of the heirs at law; they removed Lord Bargany's title out of the way; they take in Henry Moore's title. They agreed to sue and compound for the interest of five. This is very proper for a Court of Equity to decree, you shall go on in your agreement. They made use of the title to buy it cheaply of Moore. This we say is a very righteous Decree. Sir Hans flew from the terms of the award. *Mr. Dobyys*: All the matter the Appellants insist on is they say the matters are not true on our part, but they do not prove the contrary. They say here was a power to sue, but not to compound. We hope this is a just and righteous Decree. We hope the Appeal will be dismissed with costs. *Sir Thomas Powys*: I hope my clients have acted like good and honest men. This title was of two parts: If they were tenants in tail the recovery has ended the pretence under the Will. They agree to go shares. Then they were parties. In 1696 they convey over their estates. Then they were the most indifferent persons in the world. This James, of Neilsbrook, was not the worse for the purchase. I hope your Lordships will not allow such demands to go on after deaths. It is dangerous. They can make no fraud. I hope the Decree shall be reversed. *Mr. Pooley*: They would set up a trust to avoid a purchase. They have made no answer to the complaint we made to the order for sequestering. *Question* asked Counsel for Respondents by L. Somers, *Mr. Cooper* heard to it. Archibald Hamilton and David Kennedy read. *Sir Thomas Powys* heard as to answer to what Kennedy says. *Question* asked—There is the award depending; it may be good or bad; if the Lords affirm the Decree, the award is out of doors? *Mr. Cooper* heard in reply to this question. The Decree and Order were then reversed, and the Cause sent back to be heard again in the Court of Chancery in Ireland with the Cross Cause. MS. Min. L. J., XVII. 100.]

Annexed :—

- (a) 19 March. Petition of Respondents, praying for eight days' further time to put in their Answers to the Appeal. *Endorsed* as read this day and eight days allowed. L. J., XVII. 75.
- (b) 27 March 1702. Answer of Hans Stevenson, Esq., and Anne, his wife. The Decree and Order are just and reasonable. Hope their Lordships will dismiss the Appeal with costs. *Signed* by Respondents. *Countersigned* Ric. Turner. *Endorsed* as brought in this day.

1711. Feb. 7. Warner Lee's Estate Act.—Amended Draft of an Act to enable Warner Lee, *alias* Warner Warner, to make a jointure upon his marriage. The amendments, both in the Lords, and in the

Commons, were merely of a clerical and drafting nature. See C. J., 1701-1702. XIII. 798. [Read 1<sup>a</sup> this day. Royal Assent 30 March 1702. L. J., — No. 1711. XVII. 29, 87. 1 Anne c. 19 in Long Cal. See Com. Book 25 Feb.]

Annexed :—

(a) 29 Jan. Petition of Warner Lee and Henry Lee, in behalf of himself and other his sons who are infants. Lee Warner, Esq., deceased, was seised in fee of the manor of Wrongway and divers other manors and premises in Wrongway, Great and Little Walsingham and Houghton, in Norfolk, which he devised by Will in 1698 to Sir Nicholas L'Estrange and James Calthorpe and Daniel Bedingfield, Esqs., in trust to pay his debts and legacies, and afterwards in tail male to Warner Lee, (at the age of 22), and Henry Lee, eldest and second sons of his brother Henry Lee, Esq., and their respective issue male. Warner Lee, being under age, cannot make a jointure for any wife he may marry. Pray leave to bring in a Bill for that purpose. *Signed* W. Warner, H. Lee. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 24.

(b) 25 Feb. Consent of Sir Nicholas L'Estrange and Daniel Bedingfield, Esq., two of the trustees and executors under the Will of Lee Warner, Esq., to the Bill, which they conceive will contribute to the speedier satisfaction of his debts and legacies, and will be for Warner Lee's preferment in marriage. *Signed* by the above. *Dated* 3 Feb. *Witnessed* Edm. Rolfe, Cor. Houghton. [Produced this day before the Select Committee and proved by Edmond Rolfe and Corbet Houghton. Com. Book.]

(c) 25 Feb. Paper of amendments made in the Select Committee this day. Com. Book.

1712. Feb. 9. Perjury Bill.—Amended Draft of an Act for preventing perjury by making wilful perjury or subornation of perjury in certain cases to be felony. This Bill is almost identical with the Perjury Bill of 1694,\* as amended by the Lords. [Read 1<sup>a</sup> this day, and one Judge of each Court to attend the Second Reading, and all the Lords summoned. L. J., XVII. 30. On 11 Feb. read 2<sup>a</sup> and committed to C. W. H. presently. In C. W. H., V. Longueville in the Chair, the title and preamble were postponed, and the 1st enacting clause was read. *Proposed* that this clause be restrained to high treason only and not to felony. First three enacting clauses read. *Agreed*. The last clause read. 5 Sh., l. 4, leave out the word, present. At the end of the Bill add clause A (Annex (a)). *Moved* to add a clause for an appeal for perjury. *Agreed* that the Judges present draw the clause. They withdrew and, after some time, the Judges brought in a clause drawn by them, which was read (Annex (b)). After debate, *On Question*, Whether this clause shall be part of the Bill? *Resolved* in the negative. *Ordered* that the clause be rejected. *Proposed* to add a clause to this Bill for restoring the person convicted, upon the conviction of perjury. *Proposed* that there be no Nolle prosequi granted in the case of prosecution for perjury made felony by this Act. A proviso was offered in this case and read. *Agreed* that the clause be added at the end of the Bill (Annex (c)). *Proposed* that a clause be brought in that, if the witness be convicted of perjury, the

\* House of Lords MSS., Vol. I. (New Series), No. 860.



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person that is condemned be restored. The title and preamble were read. *Agreed*. The House was resumed. A debate arose concerning the recommitting the Bill and for hearing the Judges as to the dilatoriness of proceedings by taking evidence in writing. *Ordered* that the Report be made on Monday next, and the Lords summoned, and Judges to attend. MS. Min. L. J., XVII. 33. On Report on 16 Feb. *Proposed* to recommit the Bill, and that it be mended to take out cases of felony. *Proposed* to hear the Judges to show whether there is an inconvenience in this Bill. *L. C. Justice*: This will cause delay in the country, and make assizes very long and tedious, that the country cannot bear it; and in London and in Middlesex there will not be time. It will discourage persons from prosecution. *Ordered* that the Bill be recommitted. In C. W. H., V. Longueville in the Chair, the title and preamble were postponed. Sh., 2, ll. 2 & 3, instead of the words, first of March, read the words, five and twentieth of March, and in l. 3, for the word, one, read the word, two. *Proposed* to resume the House. After debate, *On Question*, Whether the House shall be now resumed? *Resolved* in the affirmative. Contents 28, Not Contents, 20: Tellers, L. Jeffreys, L. Mobun. House resumed. V. Longueville reported that upon proceeding on the Bill, it was proposed to resume the House, which was done. The clauses agreed to be added to the Bill in the Committee the 11th inst. were read. *Agreed to*. *Ordered* that the Bill be engrossed and read 3<sup>a</sup> to-morrow. MS. Min. L. J., XVII. 36. On 19 Feb. the Bill was read 3<sup>a</sup> and passed and sent to the Commons. *Ib.* 39. The Commons negatived the Bill on Second Reading. C. J., XIII. 781.]

Annexed:—

- (a) 11 Feb. Draft Clause, marked A, as follows:—Provided that no prosecution for such perjury, made felony by virtue of this Act, shall be unless the same [shall] be commenced within a year and a day after such perjury shall be committed. *Noted Agreed* [Added this day in C. W. H. See Notes above.]
- (b) 11 Feb. Paper containing a rough draft and a fair copy of a clause. The fair copy is as follows: Provided also and be it enacted by the authority aforesaid that it shall be lawful for the party grieved by such perjury, made felony by this Act, and, in case of his death, for his wife or such person who would have been his heir had he not been attainted, to prosecute the person guilty of such perjury by way of appeal, in such manner as is used in cases of murder. *Noted Rejected*. [Offered this day in C. W. H. and drawn by the Judges, but rejected. See Notes to first paper.]
- (c) 11 Feb. Draft Clause, marked B, as follows:—Provided always, and be it enacted, That no Nolle prosequi shall be entered to any prosecution for such perjury, made felony by this Act. *Noted Agreed*. [Added this day in C. W. H. See Notes to first Paper.]

1713. Feb. 12. Queen Mary (late wife of James II.) Attainder Bill.—Amended Draft of an Act to attain Mary; late wife of the late King James, of high treason. Whereas Mary, late wife of James, late King of England, has adhered to your Majesty's enemies and aided, abetted and assisted several persons attainted of high treason, and asserted the pretended Prince of Wales to be now King of these your Majesty's Dominions; Be it enacted, &c., that the said Mary, late wife of the said late King James, stand and be convicted and attainted of

high treason and that she suffer pains of death and incur all forfeitures as a person attainted of high treason. [This Bill was occasioned by the refusal of the Commons to include a clause attainting Queen Mary in the Pretender's Attainder Bill (*see* No. 1705). Read 1<sup>a</sup> this day. L. J., XVII. 34. Read 2<sup>a</sup> and committed to C. W. H. on 17 Feb. *Ib.*, 38. In C. W. H. on 17 Feb., L. Herbert in the Chair, the Bill was agreed to with a drafting amendment. MS. Min. On 20 Feb., after the Third Reading, *Proposed* to hear the Judges on this Bill, Whether the Queen, being a foreigner, can be attainted? *Proposed* to adjourn the debate to to-morrow, and Judges to attend. *Proposed* to hear the Judges. *Mr. Baron Powell* and the *L. Keeper* heard. *On Question*, Whether this Bill shall pass? Resolved in the affirmative. Contents 28, Not Contents 18: Tellers, L. Wharton, L. Jeffreys. 15 Lords protested.\* MS. Min. L. J., XVII. 40. The Bill was then sent to the Commons who, on 2 March, ordered it to be read 1<sup>a</sup> on 7 March. C. J., XIII. 771. There were no further proceedings.]

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1714. Feb. 12. James Hunt's Estate Act.—Amended Draft of an Act to enable the trustees of James Hunt, Esq., deceased, to sell timber for the payment of his debts and legacies. The Lords, besides some merely clerical and drafting amendments, left out a clause enabling Jane Hunt, the relict of James Hunt, to cut down timber for the repair of the mansion house of Popham, the seat of the family and part of her jointure, which was very ruinous and in decay, or for building a new house at Popham. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 6 May 1702. L. J., XVII. 33, 118. 1 Anne c. 56 in Long Cal. In the Select Committee, *Wm. Canning* said the timber was worth between 4,000*l.* and 5,000*l.* Com. Book 10 and 11 March.]

Annexed:—

- (a) 10 Feb. Petition of Jane Hunt, widow, one of the executors of the last Will of James Hunt, of Popham, in the county of Southampton, Esq., deceased. James Hunt, on his marriage with Petitioner, settled his estate on himself for life, and part of it upon his wife for her jointure, with remainder to his heirs male. He devised by his Will several lands and tenements for payment of his debts and several legacies to his sisters and children. Prays leave to bring a Bill to enable trustees to sell the timber, so as to prevent the devised property being sold. *Signed* Jane Hunt. *Endorsed* as read this day. L. J., XVII. 32.
- (b) 11 March. Consent of George Yate to the Bill, which will be of great advantage to James Hunt, the infant, and to the whole family, as there are great quantities of timber on the estate, and the sale of the devised lands, which lie contiguous and intermixed with the settled estate, would be detrimental to the heir. *Dated* 6 March. *Signed* George Yate. *Attested* Chris. Kidmore, Junr., George Langly. [Produced this day before the Select Committee, and proved by William Canning. Com. Book.]
- (c) 11 March. Consents of John Cary, great grandfather to James Hunt, the infant, and of Edward Loveden, a trustee of the settlement, appended to a copy of the Bill, which they

\* See *Protests of the Lords*, edited by J. E. Thorold Rogers, Vol. I., 160-161.



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conceive will be for the advantage of the infant. *Signed* John Cary, E. Loveden. [Produced this day before the Select Committee, and proved by William Canning. Com. Book.]

(d) 11 March. Letter from Fr. Hen. Cary, father of Mrs. Hunt, to Mr. Anthony Guidot. He cannot attend the Committee as he has heard from Woodstock that his father is very ill and not likely to live till he reaches him, which occasions him to hasten out of town. Entreats Mr. Guidot to inform their Lordships that he consents to the Bill, which he esteems likely to prove to the benefit of the heir. *Dated* 9 March. *Signed* Fr. Hen. Cary. [Produced this day before the Select Committee Com. Book.]

(e) 11 March. Schedule of debts incumbent upon the estate at Mr. Hunt's decease. They amount to 14,940*l.* 10*s.* 7½*d.*, including 3,000*l.* to Mrs. Hunt's two sisters, 8,500*l.* as portions to four children, and 288*l.* 12*s.* 6*d.* for several legacies. The rent of the devised estate is 461*l.* 1*s.* 10*d.*, and some land in reversion for lives is worth about 170*l.* per annum, and is stocked with young timber which will be worth at least 16,000*l.* It will be worth much more to the heir if preserved from being sold. The timber fitting to be sold will yield about 5,000*l.*, and will discharge all the debts and legacies now due. *Signed* William Canning. [Produced this day before the Select Committee by Canning, who said it was a true account. Com. Book.]

(f) 11 March. Paper of amendments made in the Select Committee this day. Com. Book.

1715. Feb. 12. Purefoy's Estate Act.—Amended Draft of an Act to enable trustees to sell certain lands, tithes and tenements for the payment of the debts of Francis Purefoy, Esq., deceased. The amendments made by the Lords were of a drafting and clerical nature, as were those made in the Commons, with the exception of an amendment to leave out the words, except to the administrator of the goods and chattels of the said Francis Purefoy, before the general saving clause. See C. J., XIII. 822. [Read 1<sup>a</sup> this day. Royal Assent 30 March 1702. L. J., XVII. 33, 87. 1 Anne c. 17 in Long Cal. See Com. Book 3 March.]

Annexed:—

(a) 23 Jan. Petition of Dorothy Purefoy, widow. Petitioner was seised of divers lands, &c., in Caldecot and Hartshill, Warwickshire, worth 200*l.* a year, for her jointure, for life, with remainder to her son Francis Purefoy, Esq., and his heirs, who was also seised in fee of the manors of Caldecot and Hartshill and other property there and in Nun-Eaton, Mancetter and Aunceley, in that county, worth 260*l.* a year. Francis prevailed upon her to agree to a mortgage of the whole, except 80*l.* a year of her jointure, to Thomas Saunders, Esq., for 7,000*l.*, and in 1691 conveyed the mortgaged property to trustees to be sold for payment of the debt to Saunders and to recompense Petitioner for her loss of jointure. Petitioner, out of her tender affection to her son, did not press for an immediate sale, and Francis still further encumbered the property. He died in July last in his Majesty's service in Holland, leaving over 10,000*l.* encumbrances on the property. His niece and heir, Dorothy Purefoy, is only four years old, and thus cannot

join in a conveyance of the property to clear off the debt, which will swallow up the whole estate long before she is of age. Prays leave for a Bill to be brought in for the sale of the premises to pay off the debt and recompense Petitioner for the loss of her jointure. *Signed* Doro. Purefoy. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 22. 1701-1702.  
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(b) 3 March. Paper of amendments made in the Select Committee this day. Com. Book.

1716. Feb. 12. Naval Stores from Russia.—Papers delivered by the Commissioners of the Customs this day. L. J., XVII. 34. The papers were delivered pursuant to Order of 5 Feb. *Ib.* 27. *Ordered* that Comrs. Customs lay before this House the improvement of trade. MS. Min. The Papers are as follows :—

(a) 12 Feb. Return of the Commissioners of the Customs to the House of Lords, with accounts of naval stores from Russia. In obedience to their Lordships' Order of 5 Feb., requiring them to lay such accounts before the House, pursuant to a clause in the Act of 10 & 11 Will. III.\* for enlarging the trade to Russia, the Commissioners acquaint their Lordships that on 9 Feb. 1699-1700 they laid such a Report before the House for 1699, and now lay before the House the like accounts for the two years, ending Christmas 1701. *Dated* Customs House, London, this day. *Signed* A. Maynwaring, Sam. Clarke, Ben. Overton, Robt. Henley, T. Newport, Will. Culliford. *Endorsed* 1.

(b) 12 Feb. Account of naval stores imported from Russia into the outports from Christmas 1699 to Christmas 1701, extracted from the Returns of the several collectors, viz. :—

*Bristol.*—5 Sept. 1700, in the *Elizabeth*, of Newcastle, Henry Shadforth, from Archangel, 1,103 cwt. 3 qrs. 2 lbs. of rough hemp, 150 handspikes, 41 small spears, 128 oars, 106 long scopes, 45 handscopes, 26 Russia planks, and 2 small masts.

*Rochester.*—24 Oct. 1701, in the *Providence*, Jno. Keyler, from Archangel, 151 bundles and one ton of hemp.

*Plymouth.*—15 Oct. 1701, in the *Happy Return*, Robt. Tickner, from Russia, 131 bundles of hemp and 100 handspikes.

*Signed* Tho. Evans, as having examined this account. *Endorsed* 2. [Enclosed in preceding.]

(c) 12 Feb. Account of naval stores imported from Russia into the port of London, from February 1699 to Christmas 1700. 13,873 cwt. 1 qr. of rough hemp, 9 lasts, 7 barrels of pitch and tar, 282 cwt. of cordage, 693 cwt. 3 qrs. of rosin. *Signed* (as examined from the original warrants), p. Will. Cooke. *Dated* Jerqrs. Office. *Endorsed* 3 [Enclosed in (a) above.]

(d) Similar account from Christmas 1700 to Christmas 1701. 54,942 cwt. 1 qr. of rough hemp, 134 cwt. 3 qrs. 16 lbs. of rosin, 133 qrs. 26 lbs. rough hemp, 10 cwt. 1 qr. 7 lbs. of cordage, 97 lasts 11 barrels of tar, 1,324 long deals and 34 knees. *Signed* as preceding. *Dated* Jerqrs. Office, 12 Feb. *Endorsed* 4 [Enclosed in (a) above].

\* 10 Will. III., c. 6, Fol. Ed.



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No. 1717.

1717. Feb. 12. AN ABSTRACT of the Inspector-General's Accounts of Imports and Exports, from Michaelmas 1696 to Christmas 1699, being three years and a quarter, viz.:—

The everal countries.	For what time.	Amount of the estimates or values of the several mer- chandizes imported.	Amount of the estimates or values of the several mer- chandizes exported.	The imports from several countries exceed the exports.	The exports to several countries exceed the imports.	The importation total excess.	The exportation total excess.
AFRICA - <div></div>	From—	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Michaelmas 1696 to Michaelmas 1697	6,615 16 8½	13,435 16 11½	—	6,820 0 2½	—	—
	Michaelmas 1697 to Michaelmas 1698	2,496 6 8	70,587 17 4½	—	68,091 10 8½	—	—
	Michaelmas 1698 to Christmas 1698	208 0 6	48,743 16 9½	—	48,535 16 3½	—	—
	Christmas 1698 to Christmas 1699	19,225 18 7½	97,264 5 8½	—	78,038 7 1½	—	—
	Total	28,546 2 6	230,031 16 10	—	201,485 14 4	—	201,485 14 4
CANARIES - <div></div>	From—	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Michaelmas 1696 to Michaelmas 1697	168,190 7 1	51,851 3 2½	116,339 3 10½	—	—	—
	Michaelmas 1697 to Michaelmas 1698	73,583 13 6½	43,170 9 6½	30,413 3 11½	—	—	—
	Michaelmas 1698 to Christmas 1698	2,082 8 0	14,980 16 8½	—	12,898 8 8½	—	—
	Christmas 1698 to Christmas 1699	84,278 11 8½	35,973 7 10	*43,305 3 10½	—	—	—
	Total	328,135 0 4½	145,975 17 3½	†190,057 11 8½	12,898 8 8½	†177,159 3 0½	—
DENMARK AND NORWAY <div></div>	From—	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Michaelmas 1696 to Michaelmas 1697	63,769 9 8½	79,523 7 7½	—	15,753 17 11½	—	—
	Michaelmas 1697 to Michaelmas 1698	90,957 11 7	37,232 6 8½	53,725 4 10½	—	—	—
	Michaelmas 1698 to Christmas 1698	14,631 19 3	7,681 12 7	7,000 6 8	—	—	—
	Christmas 1698 to Christmas 1699	86,744 11 9	38,078 16 10½	48,665 14 10½	—	—	—
	Total	256,153 12 8½	162,516 3 9½	109,391 6 5½	15,753 17 11½	93,637 8 6	—
EAST COUNTRY - <div></div>	From—	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Michaelmas 1696 to Michaelmas 1697	151,852 13 11½	123,226 13 11½	25,625 19 11½	—	—	—
	Michaelmas 1697 to Michaelmas 1698	197,476 15 5½	150,018 16 10½	47,457 18 7½	—	—	—
	Michaelmas 1698 to Christmas 1698	45,765 6 10½	27,723 2 10½	18,042 4 0½	—	—	—
	Christmas 1698 to Christmas 1699	224,546 6 5	165,731 9 3½	58,814 17 1½	—	—	—
	Total	619,641 2 7½	469,700 2 10½	149,940 19 8½	—	149,940 19 8½	—

\* (?) 48,305 3 10½      † (?) 185,057 11 8½      ‡ (?) 182,159 3 0½

1701-1702.  
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No. 1717.

EAST INDIA	{ - - - }	Michaelmas 1696 to Michaelmas 1697	259,716	19	9	67,094	16	74	192,622	3	14	—	94,686	74	—	—
		Michaelmas 1697 to Michaelmas 1698	356,509	7	74	451,195	16	24	—	—	—	—	167,018	9	114	—
		Michaelmas 1698 to Christmas 1698	125,111	18	14	292,130	8	04	—	—	—	—	279,421	2	0	—
		Michaelmas 1698 to Christmas 1699	717,695	4	54	997,116	6	54	—	—	—	—	—	—	—	348,503
		Total	1,509,033	9	11*	1,807,537	7	4	192,622	3	14	—	541,126	0	64	—
FLANDERS	{ - - - }	Michaelmas 1696 to Michaelmas 1697	45,414	2	74	209,480	5	64	—	—	—	—	134,066	2	11	—
		Michaelmas 1697 to Michaelmas 1698	81,741	3	4	547,033	18	04	—	—	—	—	465,292	14	84	—
		Michaelmas 1698 to Christmas 1698	18,728	10	5	63,886	8	7	—	—	—	—	45,157	18	14	—
		Michaelmas 1698 to Christmas 1699	79,518	16	94	256,475	16	44	—	—	—	—	176,956	19	74	—
		Total	225,402	13	2	1,076,876	8	64	—	—	—	—	851,473	15	4	—
FRANCE	{ - - - }	Michaelmas 1696 to Michaelmas 1697	—	—	—	61,441	11	74	—	—	—	—	12,635	3	34	—
		Michaelmas 1697 to Michaelmas 1698	48,806	8	4	19,352	4	7	551	18	5	—	—	—	—	—
		Michaelmas 1698 to Christmas 1698	19,904	3	0	103,961	13	34	—	—	—	—	27,248	18	11	—
		Michaelmas 1698 to Christmas 1699	76,712	14	44	184,755	9	64	551	18	5	—	39,884	2	24	—
		Total	145,423	5	84	331,080	6	84	4,879	3	3	—	168,615	10	04	—
GERMANY	{ - - - }	Michaelmas 1696 to Michaelmas 1697	335,959	9	114	694,349	13	54	—	—	—	—	—	—	—	—
		Michaelmas 1697 to Michaelmas 1698	525,734	3	5	103,888	14	64	49,561	2	114	—	—	—	—	—
		Michaelmas 1698 to Christmas 1698	153,449	17	54	700,834	12	1	117,356	8	0	—	—	—	—	—
		Michaelmas 1698 to Christmas 1699	818,191	0	1	1,830,153	6	94	171,796	14	24	—	168,615	10	04	—
		Total	1,833,334	10	11	—	—	—	—	—	—	—	3,181	4	14	—
GREENLAND	{ - - - }	Michaelmas 1696 to Michaelmas 1697	—	—	—	—	—	—	—	—	—	—	—	—	—	—
		Michaelmas 1697 to Michaelmas 1698	3,694	17	6	—	—	—	3,694	17	6	—	—	—	—	—
		Michaelmas 1698 to Christmas 1698	378	15	44	—	—	—	378	15	44	—	—	—	—	—
		Michaelmas 1698 to Christmas 1699	273	17	6	—	—	—	273	17	6	—	—	—	—	—
		Total	4,347	10	44	—	—	—	4,347	10	44	—	—	—	—	—
HOLLAND	{ - - - }	Michaelmas 1696 to Michaelmas 1697	495,581	16	34	1,462,415	10	0	—	—	—	—	966,833	13	84	—
		Michaelmas 1697 to Michaelmas 1698	649,348	18	04	1,507,177	14	64	—	—	—	—	857,828	16	54	—
		Michaelmas 1698 to Christmas 1698	131,042	9	104	288,565	14	9	—	—	—	—	157,523	4	104	—
		Michaelmas 1698 to Christmas 1699	512,599	4	84	1,456,142	1	24	—	—	—	—	943,542	16	54	—
		Total	1,788,572	8	104	4,714,301	0	54	—	—	—	—	2,925,728	11	7	—

\* (?) 1,459,033 9 11



1701-1702.

No. 1717.

AN ABSTRACT of the Inspector-General's Accounts of Imports and Exports, &c.—*continued.*

The several countries.	For what time.	Amount of the estimates or values of the several merchandizes imported.		Amount of the estimates or values of the several merchandizes exported.		The imports from several countries exceed the exports.		The exports to several countries exceed the imports.		The importation total excess.		The exportation total excess.	
		£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
IRELAND	From—												
	Michaelmas 1696 to Michaelmas 1697	219,540	18 4½	251,262	3 7	—	—	31,721	5 2½	—	—	—	—
	Michaelmas 1697 to Michaelmas 1698	333,968	9 5½	293,813	13 6½	40,154	15 11	—	—	—	—	—	—
	Michaelmas 1698 to Christmas 1698	62,267	4 0½	64,571	4 2½	—	—	2,304	0 2½	—	—	—	—
	Christmas 1698 to Christmas 1699	417,475	5 6	270,400	19 8	147,074	5 10	—	—	—	—	—	—
	Total	1,033,251	17 4½	880,048	1 0½	187,229	1 9	34,025	5 4½	153,203	16 4½	—	—
ITALY	Michaelmas 1696 to Michaelmas 1697	80,097	16 1½	38,765	8 5½	41,332	7 8	—	—	—	—	—	—
	Michaelmas 1697 to Michaelmas 1698	163,624	17 9½	82,011	5 3½	81,613	12 6	—	—	—	—	—	—
	Michaelmas 1698 to Christmas 1698	32,286	16 8½	65,481	16 1½	—	—	33,194	19 4½	—	—	—	—
	Christmas 1698 to Christmas 1699	329,188	16 2	100,549	7 4	228,639	8 10	—	—	—	—	—	—
	Total	605,198	6 9½	286,807	17 2½	351,585	9 0	33,194	19 4½	319,390	9 7½	—	—
MADEIRAS	Michaelmas 1696 to Michaelmas 1697	2,640	11 10½	6,777	5 6½	—	—	4,136	13 8½	—	—	—	—
	Michaelmas 1697 to Michaelmas 1698	1,270	12 6½	26,762	9 1	—	—	26,491	16 6½	—	—	—	—
	Michaelmas 1698 to Christmas 1698	18	4 0	164	0 0	—	—	145	16 0	—	—	—	—
	Christmas 1698 to Christmas 1699	2,298	0 4	7,741	1 4½	—	—	5,443	1 0½	—	—	—	—
	Total	6,227	8 9	41,444	16 0½	—	—	35,217	7 3½	—	—	35,217	7 3½
NEWFOUNDLAND	Michaelmas 1696 to Michaelmas 1697	9,359	15 4	21,659	10 11	—	—	12,299	15 7	—	—	—	—
	Michaelmas 1697 to Michaelmas 1698	4,899	13 1	15,620	9 1	—	—	10,720	16 0	—	—	—	—
	Michaelmas 1698 to Christmas 1698	15,938	15 9½	—	—	15,938	15 9½	—	—	—	—	—	—
	Christmas 1698 to Christmas 1699	18,402	6 1½	17,661	8 5½	740	17 8	—	—	—	—	—	—
	Total	48,600	10 4	54,941	8 5½	16,679	13 5½	23,020	11 7	—	—	6,340	18 1½

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No. 1717.

PORTUGAL	{ - - - -}	Michaelmas 1696 to Michaelmas 1697	85,761	5	8½	125,274	10	5	—	—	39,513	4	8½	—	—	—	
		Michaelmas 1697 to Michaelmas 1698	155,310	16	1½	365,251	7	6½	—	—	209,940	11	5	—	—	—	
		Michaelmas 1698 to Christmas 1698	23,946	13	10¾	84,995	0	2	—	—	61,048	6	3½	—	—	—	
		Christmas 1698 to Christmas 1699	164,539	7	1½	337,600	14	7¾	—	—	173,061	7	6½	—	—	—	
		Total	429,553	2	10½	913,121	12	9½	—	—	483,563	9	11	—	483,563	9	11
RUSSIA	{ - - - -}	Michaelmas 1696 to Michaelmas 1697	62,578	13	1	2	0	0	62,576	13	1	—	—	—	—	—	
		Michaelmas 1697 to Michaelmas 1698	74,738	2	5½	36,996	0	2½	37,742	2	2¾	—	—	—	—	—	
		Michaelmas 1698 to Christmas 1698	35,286	6	6½	10	17	6	35,275	9	0½	—	—	—	—	—	
		Christmas 1698 to Christmas 1699	99,845	5	5	59,066	5	0	40,779	0	5	—	—	—	—	—	
		Total	272,448	7	5½	96,075	2	8½	176,373	4	9	—	176,373	4	9	—	—
SCOTLAND	{ - - - -}	Michaelmas 1696 to Michaelmas 1697	102,291	5	4	73,203	6	1½	29,087	19	2½	—	—	—	—	—	
		Michaelmas 1697 to Michaelmas 1698	124,835	1	11½	58,043	17	9	66,791	4	2½	—	—	—	—	—	
		Michaelmas 1698 to Christmas 1698	10,575	10	5½	18,155	8	3	—	—	7,579	17	9½	—	—	—	
		Christmas 1698 to Christmas 1699	86,309	19	1	66,303	15	8	20,006	3	5	—	—	—	—	—	
		Total	324,011	16	10	215,706	7	9¾	115,885	6	9¾	—	108,305	9	0½	—	—
SPAIN	{ - - - -}	Michaelmas 1696 to Michaelmas 1697	192,785	14	5½	132,135	0	0¾	60,650	14	5	—	—	—	—	—	
		Michaelmas 1697 to Michaelmas 1698	354,164	10	8½	580,499	3	6	—	—	226,334	12	9¾	—	—	—	
		Michaelmas 1698 to Christmas 1698	157,169	11	11½	77,767	16	0¼	79,401	15	11½	—	—	—	—	—	
		Christmas 1698 to Christmas 1699	402,739	18	3½	575,900	11	11½	—	—	173,160	13	8½	—	—	—	
		Total	1,106,859	15	4¾	1,366,302	11	6½	140,052	10	4½	—	399,495	6	6	—	259,442
STRAITS	{ - - - -}	Michaelmas 1696 to Michaelmas 1697	—	—	—	87,585	7	7½	—	—	87,585	7	7½	—	—	—	
		Michaelmas 1697 to Michaelmas 1698	—	—	—	300,472	9	0¾	—	—	300,472	9	0¾	—	—	—	
		Michaelmas 1698 to Christmas 1698	—	—	—	77,641	18	3½	—	—	77,641	18	3½	—	—	—	
		Christmas 1698 to Christmas 1699	—	—	—	409,316	7	2¾	—	—	409,316	7	2¾	—	—	—	
		Total	—	—	—	875,016	2	2½	—	—	875,016	2	2½	—	—	875,016	2
SWEDEN	{ - - - -}	Michaelmas 1696 to Michaelmas 1697	150,171	13	2	40,767	10	5	109,404	2	9	—	—	—	—	—	
		Michaelmas 1697 to Michaelmas 1698	219,492	1	11½	52,379	3	8½	167,112	18	3	—	—	—	—	—	
		Michaelmas 1698 to Christmas 1698	46,773	14	0¾	4,828	4	2½	41,945	9	10½	—	—	—	—	—	
		Christmas 1698 to Christmas 1699	245,802	5	5¾	57,587	12	10¾	18,214	12	7	—	—	—	—	—	
		Total	662,239	14	7¾	155,562	11	2½	506,677	3	5½	—	506,677	3	5½	—	—



1701-1702.

No. 1717.

## AN ABSTRACT of the Inspector-General's Accounts of Imports and Exports, &amp;c.--continued.

The several countries.	For what time.	Amount of the estimates or values of the several mer- chandizes imported.	Amount of the estimates or values of the several mer- chandizes exported.	The imports from several countries exceed the exports.	The exports to several countries exceed the imports.	The importation total excess.	The exportation total excess.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
TURKEY	From—						
	Michaelmas 1696 to Michaelmas 1697	337,776 7 1	45,752 3 0	292,014 4 1	—	—	—
	Michaelmas 1697 to Michaelmas 1698	167,027 5 3½	172,049 3 4½	—	10,011 18 1½	—	—
	Michaelmas 1698 to Christmas 1698	1,406 9 9¼	19,012 0 11½	—	17,603 11 2	—	—
	Christmas 1698 to Christmas 1699	255,904 0 5¼	223,447 9 1½	32,456 11 3½	—	—	—
	Total	757,114 2 6½	460,260 16 5½	324,470 15 4½	27,617 9 3½	296,853 6 1	—
VENICE	Michaelmas 1696 to Michaelmas 1697	20,268 9 0½	6,017 0 3½	14,251 8 9	—	—	—
	Michaelmas 1697 to Michaelmas 1698	53,601 13 2½	12,806 9 8	40,795 3 6½	—	—	—
	Michaelmas 1698 to Christmas 1698	27,983 19 1½	—	27,983 19 1½	—	—	—
	Christmas 1698 to Christmas 1699	50,951 12 9	34,034 10 7	16,917 2 2	—	—	—
	Total	151,905 14 1½	*52,859 0 6½	99,047 13 6½	—	99,047 13 6½	—
ISLES OF GUERNSEY, &c.	Michaelmas 1696 to Michaelmas 1697	12,328 16 4½	15,046 7 3½	—	2,717 10 11½	—	—
	Michaelmas 1697 to Michaelmas 1698	26,138 1 1½	30,959 19 7½	—	4,821 18 6½	—	—
	Michaelmas 1698 to Christmas 1698	3,947 7 3	5,382 15 8½	—	1,435 8 5½	—	—
	Christmas 1698 to Christmas 1699	25,985 15 0½	28,948 12 4½	—	2,962 17 4½	—	—
	Total	68,399 19 9¼	80,337 15 1	—	11,937 15 3½	—	11,937 15 3½
ENGLISH PLANTATIONS	Michaelmas 1696 to Michaelmas 1697	588,502 10 1½	289,271 9 6¼	299,231 0 7½	—	—	—
	Michaelmas 1697 to Michaelmas 1698	866,933 6 0½	771,234 14 3	95,698 1 9½	—	—	—
	Michaelmas 1698 to Christmas 1698	170,345 3 7½	239,378 0 6½	—	69,032 16 11½	—	—
	Christmas 1698 to Christmas 1699	916,190 19 1½	748,029 12 0½	168,161 7 0½	—	—	—
	Total	2,541,971 18 10½	2,047,913 16 4½	563,090 9 5½	69,032 16 11½	494,057 12 5½	—

\* 52,858 0 6½

1701-1702.

No. 1717.

Prize Goods	{	Michaelmas 1696 to Michaelmas 1697	54,832	4	9½	—	54,832	4	9½	—	—
		Michaelmas 1697 to Michaelmas 1698	160,996	8	4	—	160,996	8	4	—	
		Michaelmas 1698 to Christmas 1698	7,553	18	1½	—	7,553	18	1½	—	
		Christmas 1698 to Christmas 1699	5,986	9	6½	—	5,986	9	6½	—	
		Total	229,369	0	9½	—	229,369	0	9½	—	

THE TOTALS OF THE SEVERAL YEARS, VIZ.

The several countries.	For what time.	Amount of the estimates or values of the several merchandises imported.	Amount of the estimates or values of the several merchandises exported.	The imports from several countries exceed the exports.	The exports to several countries exceed the imports.	The importation total excess.	The exportation total excess.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
FROM -	From— Michaelmas 1696 to Michaelmas 1697	3,446,026 16 10 $\frac{1}{2}$	3,474,627 3 10 $\frac{1}{2}$	1,302,847 5 6 $\frac{1}{2}$	1,331,447 12 6 $\frac{1}{2}$	—	28,600 7 0 $\frac{1}{2}$
	Michaelmas 1697 to Michaelmas 1698	4,732,360 5 6	6,351,108 10 1	826,196 1 8 $\frac{1}{2}$	2,454,944 6 3 $\frac{1}{2}$	—	1,628,748 4 7
	Michaelmas 1698 to Christmas 1698 -	1,106,853 4 2 $\frac{1}{2}$	1,524,342 1 5	283,633 15 3 $\frac{1}{2}$	701,122 12 5 $\frac{3}{4}$	—	417,488 17 2 $\frac{1}{2}$
	Christmas 1698 to Christmas 1699 -	5,640,506 6 9 $\frac{1}{2}$	6,788,166 17 6 $\frac{1}{2}$	1,121,492 0 2 $\frac{1}{2}$	2,269,152 10 11 $\frac{1}{2}$	—	1,147,660 10 9
	Grand Total	14,925,746 13 4	18,148,244 12 11	3,534,169 2 9	6,756,667 2 4	—	3,222,497 19 7



1701-1702. An account of the silver and gold exported, by the ounce troy, in  
 — the following years, with the value thereof, viz. :—  
 No. 1717.

For what time.	Silver.	Gold.	Silver at 5s. per ounce amounts to—	Gold at 4l. per ounce amounts to—
	Ounces.	Ounces.	£ s. d.	£ s. d.
From—				
Michaelmas 1696 to Michaelmas 1697	160,977	1,718	40,244 5 0	6,872 0 0
Michaelmas 1697 to Michaelmas 1698	1,820,388	2,385	455,097 0 0	9,540 0 0
Michaelmas 1698 to Christmas 1698 -	948,289 $\frac{1}{4}$	491 $\frac{3}{4}$	237,072 8 9	1,967 0 0
Christmas 1698 to Christmas 1699 -	3,367,524	7,307 $\frac{1}{4}$	841,881 0 0	29,229 0 0
Total - - -	6,297,178 $\frac{1}{4}$	11,902	1,574,294 13 9	47,608 0 0

Silver and gold being imported free of any duty, is taken up without entry or warrant, and consequently is not included in the importation accounts, whereas all silver and gold exported is entered outwards and an exact account taken thereof which does very much swell the importation accounts.

Upon the several trades of Sweden, Denmark and Norway, East Country and Russia, the excess is very much on the importation side, (which is a demonstration these trades are less profitable to us), and the same may reasonably be supposed to arise from their clandestine carrying away of our milled money instead of our manufactures.

Please to observe that such clandestine exportation of our coin by the Swedes and Danes, &c., may reasonably be thought to go a good way towards the balance of the silver imported without entry, and probably puts that account almost upon an equal foot.

Please also to observe that in these accounts there are no merchandize directly imported from the Straits, but great quantities exported thither, the reason of which is that the merchandize brought from those parts are still entered here from the port or place whence shipped, and consequently are applied to those respective kingdoms' or countries' account, whereas the merchandize entered out hence for the Straits are sent on a trading voyage to be sold where they can best find a market, either in Spain, Venice, Italy or Turkey, and this is none of the least reasons why the excess of those countries vary so very much, and are some years on the importation side and other years on the exportation side, as those merchandize happened to be disposed of.

Custom House,  
 London, 12 Feb. 1701-2.

WILL. CULLIFORD, Inspr.-Genl.

Memorandum.—There is another year's account which will end at Christmas 1700, that will be ready within a month.

[Delivered at the Bar by the Inspector-General of Customs this day. MS. Min. The Lords, acting on the advice of a Select Committee, presided over by E. Manchester, had made an Order on 9 Jan. 1695 that an annual account of all branches of the trade of the Country should be laid before the House. L. J., XV. 634.]

1718. Feb. 16. Plantation Trade.—Report of the Commissioners for Trade and Plantations, as follows:—

To the Right Honourable the Lords Spiritual and Temporal in  
 Parliament assembled.

May it please your Lordships,

In obedience to your Lordships' Order of the 5th instant, requiring us to lay before your Lordships in writing, an account of what

we have done in relation to the plantation trade since our last representation, which was laid before the Right Honourable the Lords Committees appointed to consider the state of the trade of this Kingdom

1701-1702.

—  
No. 1718.

the 15th of February 169<sup>6</sup><sub>7</sub>, we humbly take leave to represent,

Correspondence with { That in pursuance of our Commission, we  
Governors. { have managed a constant correspondence with  
all the Governors appointed by his Majesty's  
immediate Commission, and occasionally with all the rest. In the course  
whereof the Journals of their Councils and Assemblies and other public  
proceedings, with accounts of all matters whatsoever relating to their  
respective governments, have been considered by us, and the necessary  
orders returned thereupon: more particularly the Acts of the several  
Assemblies transmitted to us have been examined, and our Reports thereon  
made to his Majesty in his Privy Council, for his Royal Assent, or  
Disallowance. In all which we have, according to our duty, had special  
regard to the interest and improvement of the trade of England, as well  
as to the good of the plantations.

Commissions and { As vacancies or removes have happened in  
instructions for { the government of any of the plantations, we  
Governors. { have prepared drafts of Commissions and  
instructions for the new Governors appointed  
by his Majesty, with such provisions and alterations, from time to time,  
as we have conceived suitable to the circumstances, and proper as well  
for the security and defence of those several places as for the advantage  
of the trade thereof.

Convoys and men-of- { We have, upon several occasions, proposed  
war for the plantations. { to his Majesty the appointing of convoys for  
the plantations, and of ships of war necessary  
to attend and protect the trade of those plantations; and, upon the  
complaints of the inhabitants there, or merchants in England, of  
hardships in the pressing of men and otherwise, by captains of men-of-  
war in those parts, we have presented to his Majesty regulations  
therein, which have had a good effect.

Courts of Admiralty. { Upon information from the Officers of his  
Majesty's Customs in the plantations and  
others, of the partiality of the people there and more particularly in the  
propriety governments, in all trials upon the Acts of Trade, wherein  
their private interest is concerned, and of the difficulties in obtaining  
any execution of those Acts in the former method, we did represent the  
usefulness of Courts of Admiralty in the plantations; upon which such  
Courts have since been erected, and where their authority has not been  
disputed they have proved a great encouragement to legal traders.

Colours for ships { In obedience to his Majesty's commands  
commissionated by { relating to merchant ships in the West  
Governors. { Indies, which being commissioned by the  
Governors of his Majesty's plantations had  
carried such colours as ought only to be borne by his Majesty's ships of  
war, we did humbly offer our opinion that his Majesty's Governors in  
the plantations having Vice-Admiralty jurisdiction, it was as well for  
the security of the ships so employed by them, as for the dignity of his  
Majesty's Commission, that such ships, though they should not wear  
exactly the same colours as his Majesty's ships of war, yet should be  
distinguished from ordinary merchant ships and trading vessels. And  
accordingly such a mark of distinction was agreed on by the Lords  
Commissioners of the Admiralty, and the necessary directions there-  
upon given by us to the several Governors of his Majesty's plantations.



1701-1702.  
—  
No. 1718.

Boundaries between  
French and English  
on the Continent.

{ We have made several representations relating to the boundaries between his Majesty's plantations and those of the French upon the Continent, particularly in the north-eastern parts of New England, where they have endeavoured to encroach upon us, both as to the land and fishery.

Claims of foreign  
princes to islands in  
America.

{ We have also made divers representations in defence of his Majesty's title to several islands in America, claimed by foreign princes, of which one is a claim made by the Elector of Brandenburg, now King of Prussia, to the Island of New Tertholen, lying amongst his Majesty's Leeward Carribee Islands. One made by the French King to the Island of Sta. Lucia, lying amongst the Windward Carribee Islands. One made by the French King to the Island of Tobago, lying also amongst the Windward Carribee Islands, and another by the Duke of Courland to the same Island.

Tobago.

{ And whereas some persons here, under pretence of agreement with the Duke of Courland's envoy, were afterwards contriving to settle the said Island of Tobago, under the title and protection of that Prince, we offered to his Majesty such considerations as put a stop to that design, and thereby prevented the great prejudice which such a settlement would have caused to the Island of Barbados and the trade of this Kingdom.

Sta. Lucia.

{ In pursuance of our foresaid Report relating to his Majesty's right of sovereignty over the Island of Sta. Lucia, directions having been given to the Governor of Barbados for maintaining the same, and the French Ambassador having complained to his Majesty of those proceedings, and still insisted on the French King's right to that Island, we again laid before his Majesty a full deduction of his Majesty's title to the said Island, in answer to the French pretensions.

Dominica.

{ The said Ambassador having likewise presented to his Majesty a memorial, complaining of a design alleged by him to be carrying on by some of the inhabitants of Barbados, in order to the settling the Island [of] Dominica, (another of the Carribee Islands), and having therein questioned the right of the English to the said Island, we did, by a like deduction, state and assert his Majesty's title thereunto.

Controversies between  
some of his Majesty's  
colonies.

{ Upon controversies that have happened between some of his Majesty's colonies and others relating to their boundaries, especially between his Majesty's government and proprieties, and upon different claims which have been set on foot to some whole provinces: We have examined all their respective titles and the necessary instructions have been given by his Majesty thereupon.

Boundaries between  
New York and  
Connecticut.

{ More particularly upon a controversy between his Majesty's province of New York and the Charter Government of Connecticut colony in New England, relating to their boundaries; we examined the pretensions of both sides, and reported to his Majesty the state thereof, together with drafts of letters for his royal signature, and an instrument proper for the determining and settling those boundaries.

Five nations of New York Indians.	{	We have often represented the necessity of preserving the friendship of the five nations of Indians upon the Northern frontiers	1701-1702.
			—

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of New York, (which are a barrier between his Majesty's plantations and Canada), by treating them kindly, furnishing the usual presents, and showing them a force constantly maintained in the province of New York, ready to protect them upon all occasions.

Naval stores. { We have applied ourselves to promote the importation of naval stores from New England and other his Majesty's plantations; and for the carrying on that design, his Majesty was pleased upon our applications to order the Navy Board to send Commissioners to New England, who were likewise joined with Commissioners of that colony, for viewing and inspecting the woods lying upon that coast, and for providing his Majesty's Navy with masts and other necessary materials for building of ships, as also with pitch, tar and rosin, of which great quantities may be produced in those parts. But the specimens sent home by them did not receive the approbation of the Officers employed by the Commissioners of the Navy to inspect them. Though by the informations which we have had from several merchants and others on this subject, we are assured that such materials may be furnished from those parts as may prove serviceable to the nation. The importance of this design obliged us also to direct the late Earl of Belmont [Bellomont] to use his utmost endeavours to advance it in the provinces under his government, and he having found the dearness of labour in those parts, where the inhabitants are not numerous, to be a great obstruction to that for which nature otherwise afforded great advantages, did thereupon form a proposal or scheme for making pitch, tar and rosin in the province of New York, by the labour of soldiers, who might at the same time serve for the defence of the said province bordering upon the French. His Lordship having communicated to us this scheme, which takes in as well the security of that frontier as the production of those stores, we laid before their Excellencies the Lords Justices, in October 1700, a particular Report upon that whole matter, setting forth the difficulties which appeared to us therein; the absolute necessity of putting some part of it relating to the security of the province in execution; the advantages that would accrue from the whole in case it could be made practicable, and the proceedings which had already been made towards it. We also laid before their Excellencies a separate Report upon the subject of masts and ship timber which may be furnished from Piscataway and other parts of New England, as well as from New York, setting forth the state of his Majesty's woods in those parts. The great waste and spoil that is daily committed in them, by converting oaks and pines of the largest dimensions into pipe staves and deal boards. The great consumption likewise of timber by a trade to Spain and Portugal, which is not prohibited by law, and the advantages that may be drawn from those woods to England, if there were a due provision by laws, which we accordingly proposed to be made, and, having thereupon received his Majesty's directions, we prepared a letter for his royal signature to the Earl of Belmont, requiring him that he would use his endeavours with the Assemblies there, to pass Acts proper for that end; or, in case he could not prevail with them to do what is requisite, that he would report particularly what may be fit to be done here, which letter was sent to his Lordship. But his death happening not long after, it did prevent the effect thereof, and we have since understood that the



- 1701-1702. Council and Assembly of the Massachusetts Bay are very averse to the passing of any new Acts for the regulating of those matters, so as might be necessary for his Majesty's service and the interest of England. —  
 No. 1718. We shall, therefore, take care that proper instructions be prepared for the Governor who his Majesty is now sending thither. In relation to naval stores, there have likewise proposals been made to us by some merchants of the city of London, for importing certain quantities of pitch, tar and rosin at certain prices, but upon condition that they might be incorporated, which occasioned our jealousy of their designing to set up a new trade of stock jobbing; and their refusing to submit to proper provisos for the preventing thereof, confirmed us in it. The prices also proposed by them were much higher than the cost of the same commodities imported from other places, so that upon this whole matter, we are of opinion that though his Majesty's plantations are capable of furnishing naval stores of all sorts in great abundance, yet the first attempts of that kind will be very chargeable, and not to be effected without greater assistance from the public than the inhabitants of the plantations or other private traders, are capable to furnish.

Justice in the plantations. { We have taken the best care we could that his Majesty's subjects in the plantations should be freed from oppression as to their civil rights, and that equal justice should be administered to them, of which we humbly offer to your Lordships the following instances.

Barbados. { A complaint made by the Commissioners of his Majesty's Customs at Bridgetown, in Barbados, to the Lords Commissioners of his Majesty's Treasury having been referred to our consideration, and finding thereby that he and other Officers of the Customs in Barbados by their diligence in making seizures upon some violations of the Acts of Trade and Navigation, had made themselves enemies, and laboured under difficulties in the execution of their trusts; but that by the countenance of the Governor they had been enabled to proceed in the discharging thereof, we found it absolutely necessary that not only the Officers of the Customs but those also of the Admiralty, should be very particularly recommended to the respective Governors of all his Majesty's plantations, and accordingly we humbly proposed to their Excellencies, the then Lords Justices, that they would be pleased to sign circular letters, (which we prepared), to the said Governors, and especially to those in Proprietary and Charter Governments, requiring them to give constant protection and all due encouragement to the said Officers in the discharge and execution of their respective duties, and the said letters were accordingly despatched. It having been represented to us by the executors of Sir Peter Colleton, that James Colleton, of Barbados, brother to the said Sir Peter, had upon his death seized his estate in that island and converted it to his own use, and that the said executors, having brought their action against him could not obtain redress, by reason of that he, the party concerned, was Judge in the precincts where the controversy was depending; we thereupon gave directions to the President and Council of that Island, the Governor being then dead, that they should appoint some other impartial Judge to hear and determine that matter, and further take care that no person should either be Judge in his own case, or by being Judge in any precinct where matters in controversy between him and others lie, should have it in his power to obstruct the course of justice. But having some time after been informed by the said executors that they had not obtained relief, we again represented the matter to the Lords Justices, and Mr. Grey, at present Lord Grey, being

then constituted Governor of that Island, we wrote to him by their Excellencies' order to the same effect, and in answer thereunto did receive from him a certificate signed by the attornies of the foresaid executors there, declaring that though their suit had indeed been tedious, yet they could not charge Judge Colleton with making any use of his authority in causing those delays, but that they imputed them to the death of the late Governor, Colonel Russel, and the changes that had ensued in the commissions of Judges. That we might be informed of what abuses had been committed, and that for the future care might be taken in all matters relating to the administration of justice in that Island, we sent to Mr. Grey the following directions, viz.: "That he should transmit to us a copy of the register and minutes of the Chancery, and of the minutes and business done at the Court of Errors since his arrival in that Island. That he should send a particular account and list of all Causes that then stood entered in the Chancery or were depending there, and how long each of them had been so depending. An account likewise specifying each day of the month that a Court of Chancery and Court of Errors had been held, and how many successive days that Court had at any time continued to sit, since his arrival in that government: in which account the proceedings of each day were also to be severally set down, and the names of such members of Council as attended each day, inserted. An account how many final Decrees had been made there since his arrival, how many injunctions granted, how many dissolved, and how many remained still in force. And whereas by an Act of that Island, made in the year 1661, the five several Courts of Common Law have certain days appointed for their sitting. That we expected from him a particular account how many of the said days each of those Courts had sat since his entering upon that government, together with an account of the business they had done each day, copied from their minutes. These accounts to be fully and plainly given by the registrars or other proper officers of the respective Courts, and sufficiently attested, which accordingly has been done. We further directed that for the future, he should hold the Court of Chancery, as often and for as long a time as should be requisite for despatch of the several Causes depending before that Court; and that an exact account should be always kept of the names of such of the Council as do give their attendance during the sitting of the said Court, so that the registrar or other proper officer may be able to give a particular account thereof on oath from time to time, if the same shall be required"; which, by letters from my Lord Grey, we were assured should be complied with. A petition having since been presented to his Majesty in the name of John Loder, Esq., and others, complaining of great neglect in holding Courts of Chancery in that Island and want of despatch of business in those Courts, which his Majesty was pleased to refer to our consideration, we thereupon directed and instantly required Mr. Grey to be more careful in the expediting of justice, and to hold Courts of Chancery without any recess or intermission till all the Causes depending there should be determined. About the same time also, two other petitions having been presented to his Majesty one by Isaac Hawkins, the other by Thomas Hodges, Esqs., containing in like manner great complaints of delays and undue proceedings in the Courts of Justice of Barbados; upon which his Majesty was pleased to require us to examine those matters and to report what we conceived fit to be done therein. We made our Report accordingly, and further proposed that his Majesty would be pleased by Letters under his Royal

1701-1702.

—  
No. 1718.



1701-1702. signature, to give directions to the Governor, for the redress of all irregularities of that nature; which letters were prepared by us and sent. We afterwards received from Lord Grey and the Council of Barbados, an answer to the foresaid complaints, which we communicated to Mr. Hodges, one of the chief complainants; and, having received his reply, we reported our opinion to his Majesty upon the whole matter, the 12th of December last. And, upon a new petition of the foresaid Mr. Isaac Hawkins, we made a further Report the 29th of January last, which Reports we humbly conceive may show the good effect of our care, and of the directions which have been given from time to time on that behalf.

Bermuda Islands. { The disorders in the Bermuda Islands having been considered by us, both in respect to trade and to the administration of justice, two Lieutenant-Governors of the said Islands, viz., Captain John Goddard and Mr. Samuel Day, have, upon the representations we made of the irregularities of their conduct in those matters, been recalled. And, upon the constituting of Captain Benjamin Bennett to be Governor, we did, in the instructions which he received from his Majesty, insert such clauses as may tend to reform the abuses which his predecessors had been guilty of. And from him we have received assurance that he does employ his utmost care therein.

Leeward Islands. { As to the Leeward Islands, some inconveniences having arisen in the administration of justice, by reason that some of the Judges or Assistants of the inferior Courts have also been members of the Council of that Island where the Governor usually resided, which is the Supreme Court for hearing and determining appeals from all the others, we prepared an instruction which his Majesty was accordingly pleased to give to Colonel Codrington, the present Governor, for reforming of that irregularity, and before his going over, a complaint having been brought to us in the names of divers inhabitants of St. Christopher's against Captain James Norton, Lieutenant-Governor of the English part of that Island, for several oppressions, exactions and other illegal practices; we gave directions thereupon to Colonel Codrington, who, having enquired into the truth of those complaints, suspended the said Norton from his government, till his Majesty's pleasure therein should be further known. And, upon a representation made by us on that subject, his Majesty has been pleased to remove the said Norton from that trust.

Virginia. { From Virginia some complaints have been made to us, that the members of the Council of that colony were not subject to prosecutions at law for the payment of their just debts, and that other inconveniences had ensued, as well in relation to trade as justice, by the methods settled and ordinarily practised in the administration of that government, whereupon, we offered to the Lords Justices the draft of several instructions which we conceived proper to remedy what appeared to us not fit to be allowed, together with the particular reasons that moved us to propose each alteration. And those instructions were accordingly given by their Excellencies to Colonel Nicholson at his first entrance upon that government.

Maryland. { Upon complaint also from Maryland, of inconveniences in the methods of administering that government, and the want of some further provision for preventing undue practices both in trade and in the course of justice;

in order to the remedying thereof, we offered in like manner, several alterations to be made in the Governor's instructions, which were accordingly given to Colonel Blackiston, together with his Commission for the government of that province.

1701-1702.

—  
No. 1718.

New York. { As to the administration of justice in New York, the late Earl of Belmont having complained to us of the want of persons in that province fitly qualified for that service, and desired that a Chief Justice and an Attorney-General might be sent from hence, his Majesty was pleased to appoint such officers, and they are further authorised by Admiralty Commissions, the one to be Judge and the other Advocate-General in the Admiralty Courts, both there and in the neighbouring colonies.

New Hampshire. { We have had great complaints of a disorder in the province of New Hampshire, occasioned by a difference between the Lieutenant-Governor and some members of the Council there, who forcibly displaced him and assumed the government in his stead, which we accordingly represented to the Lords Justices; and directions having thereupon been given to the late Earl of Belmont, whose Commission for that government superseding their authorities, or pretended authorities on both sides, their heats were also in good measure allayed by his presence amongst them.

Appeals. New Hampshire. { In relation to the administration of justice there since that time, the Proprietor of the said province, Mr. Samuel Allen, having in a petition to his Majesty complained that in a trial in the Superior Court of Judicature in that province, upon an action of ejectment, in order to the determining his right to the propriety and quit-rents claimed by him, the Judges and juries being tenants and consequently parties, a verdict had passed against him. Upon which, an appeal not lying there because of the smallness of the sum and the same being therefore desired here, his Majesty was pleased, upon our representation of the extraordinary nature of that case, (upon which the property and quit-rents of that whole province depend), to allow of such appeal. And, upon divers petitions from the proprietary colonies upon occasion of their refusing to admit appeals to his Majesty in Council, we have made many other representations upon that subject.

Act for Ministers in Maryland. { Upon the petition of several Dissenters in Maryland, complaining of an Act passed in the Assembly of that province, entitled, An Act for the service of Almighty God and establishment of religion in that province, according to the Church of England, which Act being inconsistent with the title, and, (according to what the petitioners represented), interfering with the Acts of Settlement there, as also with the Act of Toleration, and being like to prove a hardship upon them and a discouragement to the plantation trade, if the same should be confirmed by his Majesty, we did, after hearing the parties, represent that matter to his Majesty, and by his Majesty's directions prepared a new draft of an Act to be offered to the Assembly of Maryland For the establishment of religious worship in that province, according to the Church of England, and for the maintenance of Ministers; which draft was sent to Maryland, having been first approved of by his Grace the Lord Archbishop of Canterbury and the Lord Bishop of London.



1701-1702. State of trade in the { The present state of his Majesty's planta-  
 — plantations. tions in relation to trade will best appear by  
 No. 1718. the accounts we have from Governors and  
 the Naval Officers in those parts, and from the abstract of imports and  
 exports here. In this manner we find that there was—

Exported from the island of Jamaica to England, from Christmas 1697  
 to Michaelmas 1698, the goods following, viz. :—

Sugar :—			Fustic :—Tons . . . .	204
Hogsheads . . . .	12,461		Stock fish wood :—Tons	60
Barrels . . . . .	521		Cocoa nuts :—	
Indigo :—			Hogsheads . . . .	57
Hogsheads . . . .	14		Barrels . . . . .	222
Barrels . . . . .	914		Sarsaparilla :—Bags . .	83
Pimento :—			Braziletto wood :—Tons	37
Hogsheads . . . .	68		Hides . . . . .	575
Barrels . . . . .	140		Elephants' teeth . . .	27
Ginger :—Bags . . .	2,470		and	
Cotton :—Bags . . .	913		Some small parcels of	
Logwood :—Tons . .	699		other sorts of goods.	

Jamaica. From Michaelmas 1698 to the 12th December 1699.

Sugar :—			Ginger :—Bags . . . .	1,415
Hogsheads . . . .	10,758		Cotton :—Bags . . . .	1,032
Barrels . . . . .	216		Logwood :—Tons . . .	1,641½
Indigo :—			Stock fish wood :—Tons	761
Hogsheads . . . .	3		Lignum vitæ :—Tons . .	10
Barrels . . . . .	914		Braziletto wood :—Tons	3
Pimento :—			Ebony :—Tons . . . .	4
Hogsheads . . . .	152		Lime juice :—Hogsheads	192
Barrels . . . . .	244		Tortoise shell :—Barrels	10
Elephants' teeth . .	329		Molasses :—	
Cocoa nuts :—			Hogsheads . . . . .	115
Hogsheads . . . .	3		Barrels . . . . .	10
Barrels . . . . .	10		Rum, for the other plan-	
Cinnamon bark :—Bags	50		tations :—Hogsheads .	58

From the 25th December 1699 to the 29th September 1700.

Sugar :—			Braziletto wood :—Tons	47
Hogsheads . . . .	9,219		Elephants' teeth . . .	1,158½
Barrels . . . . .	243		Lignum vitæ :—Tons . .	2
Indigo :—			Cocoa nuts :—Barrels . .	149
Hogsheads . . . .	16		Sarsaparilla :—Bags . .	151
Barrels . . . . .	665		Ebony :—Tons . . . .	1
Pimento :—			Lime juice :—Hogsheads	87
Hogsheads . . . .	52		Tortoise shell :—Barrels	4
Barrels . . . . .	136		Cinnamon bark :—Bags	32
Ginger :—Bags . . .	2,069		Molasses :—Hogsheads .	240
Cotton :—Bags . . .	1,580		Jamaica dying wood :—	
Logwood :—Tons . .	2,099		Tons . . . . .	20
Fustic :—Tons . . .	101		Rum, for the other plan-	
Stock fish wood :—Tons	127		tations :—Hogsheads	156

*Note.*—Each hogshead of Jamaica sugar contains about 7 cwt.





1701-1702. From the 25th March 1699 to the 23rd December following.

No. 1718.	Sugar :—				Peltry :—			
	Hogsheads	-	-	114	Hogsheads	-	-	19
	Barrels	-	-	42	Barrels	-	-	7
	Tierces	-	-	4	Cases	-	-	17
	Indigo :—Barrels	-	-	3	Bundles	-	-	101
	Cocoa Nuts :—Barrels	-	-	10	Oil :—Barrels	-	-	3
	Pimento :—Hogsheads	-	-	1	Molasses :—Hogsheads	-	-	24
	Braziletto wood :—Tons	-	-	14	Tobacco :—Hogsheads	-	-	78
	Logwood :—Tons	-	-	396	Turpentine :—			
	Fustic :—Tons	-	-	13	Hogsheads	-	-	2
	Negrera wood :—Tons	-	-	2½	Barrels	-	-	164
	Cotton :—Bags	-	-	3	Cochineal :—Bags	-	-	3
	Elk skins	-	-	55				

From the 25th June 1700 to the 25th September following.

Sugar :—				Braziletto wood :—Tons	-	62
Hogsheads	-	-	3	Molasses :—Hogsheads	-	56
Barrels	-	-	1	Peltry :—		
Logwood :—Tons	-	-	83	Barrels	-	16
Oil :—				Cases	-	12
Tons	-	-	18	Bundles	-	16
Barrels	-	-	228			

Exported from Virginia, one year with another, from 35 to 40,000 hogsheads of tobacco.

Exported from Maryland, one year with another, from 25 to 30,000 hogsheads of tobacco.

*Note.*—Each hogshead of tobacco contains 5 cwt.

By the Abstracts of the Custom House books, it appears that the value of importations and exportations from and to the several plantations, from Michaelmas 1697 to Michaelmas 1698, were as follows :—

Valuations.					Imported into England from the plantations.	Exported from England to the plantations.
					Pounds.	Pounds.
Barbados	-	-	-	-	308,089	146,849
Nevis	-	-	-	-	54,748	14,547
Antigua	-	-	-	-	52,903	20,756
Montserrat	-	-	-	-	24,421	3,369
Jamaica	-	-	-	-	189,566	120,774
Bermuda	-	-	-	-	2,926	3,970
Carolina	-	-	-	-	9,265	18,460
Bahama Islands	-	-	-	-	184	—
Virginia and Maryland	-	-	-	-	174,052	310,133
Pennsylvania	-	-	-	-	2,720	10,701
New York	-	-	-	-	8,763	25,278
New England	-	-	-	-	31,254	93,475
Hudson's Bay	-	-	-	-	8,031	2,852
					866,922	771,164

From Christmas 1698 to Christmas 1699.

1701-1702.

No. 1718.

Valuations.	Imported into England from the plantations.	Exported from England to the plantations.
	Pounds.	Pounds.
Barbados - - - - -	273,947	150,968
Nevis - - - - -	74,857	16,477
Antigua - - - - -	109,440	30,435
Montserrat - - - - -	23,162	7,159
Jamaica - - - - -	174,844	136,690
Bermuda - - - - -	58	1,330
Carolina - - - - -	12,362	11,399
Bahama Islands - - - - -	—	302
Virginia and Maryland - - - - -	198,115	205,074
Pennsylvania - - - - -	4,540	17,062
New York - - - - -	16,818	42,781
New England - - - - -	26,660	127,277
Hudson's Bay - - - - -	4,235	944
	919,002*	747,898

Newfoundland. { We have made divers representations for the security and improvement of the Newfoundland trade and fishery, as well during the war as since the peace, and have constantly every year examined into and taken an account of the course and progress of that trade. In this manner, upon sending a convoy thither the last year, under the command of Captain Graydon, we gave him several heads of enquiry relating to the trade and fishery of those parts, with particular regard to the late Act of Parliament for the better regulation thereof. We likewise gave such heads of instructions to Mr. Larkin, a person sent through all the plantations upon another occasion, as we conceived proper with relation to that trade; and have from them received accounts, the chief particulars whereof are as follow:—That in general the inhabitants have not a due regard to the several regulations for the more advantageous management of the fishery; it being found northward of St. John's, as far as Carbonear, and to the southward as far as Ferryland, the trees are rinded and the woods destroyed as much as before the late Act. That the Admirals and masters of ships do not exactly observe the rules prescribed by Act of Parliament. That as to the Admirals keeping of journals and accounts, there are few of them capable of doing it as the Act directs. That the Admirals before the 20th of August will hear some complaints, but after that time none are made to them, they being generally the greatest offenders themselves. That the vessels from New England supply the people of Newfoundland with provisions, viz., bread, beef, pork, flour, pease, butter, boards and great quantities of Virginian tobacco. That the European commodities carried to Newfoundland by the masters of English ships are as follows:—From France: brandy,

\* The totals of the figures in this column should be 919,038.



1701-1702. wine, salt, linen, canvas, paper, hats and silks. From Spain: wine, brandy and iron; and from Portugal: wine, brandy, salt, oil and  
 —  
 No. 1718. linen; all which goods are sold or trucked with the traders from New England for tobacco, sugar and other of the enumerated commodities, which they carry to foreign parts, so that at the latter end of the year, the masters are wholly taken up in the management of that illegal trade, which might in some measure be prevented had the officer or officers commanding his Majesty's ships power, like that of a Custom House officer, to seize such goods. That the New England traders seldom depart the country till the men-of-war are first sailed, and then they carry with them numbers of handicraftsmen, seamen and fishermen, whom they entice thither in expectation of great wages. That the masters of ships are very negligent in bringing their men home, whereby they save the charge of their passage, and those men so left are enticed and carried to New England. That the reason why the New England men do fish upon the coast of Newfoundland, (besides their illegal trade), is that they may get those men from thence; they having otherwise a more advantageous fishery on their own coast. Against which irregularities we humbly offer that it seems very expedient some further provision be made by law.

State of the trade  
 and fishery at  
 Newfoundland.

{ In the meanwhile in order a more perfect view of the state of that trade and fishery, we humbly lay before your Lordships the following accounts thereof, and of the planters there for several years:—

1698.

Number of ships	- - -	—	252
Burden of the said ships	- - -	—	24,318 tons
Number of men belonging to the ships	- - -	—	5,179
Number of boats belonging—			
To ships	- - -	532	} 929
To planters	- - -	397	
Quantity of fish made—			
By ships	- - -	114,700	} 265,852 [cwt.]
By inhabitants	- - -	151,152	
Number of inhabitants--			
Men	- - -	284	} 2,640
Women	- - -	176	
Children	- - -	286	
Servants	- - -	1,894	

1699.

Number of ships—			
Fishing ships	- - -	166	} 234
Sack ships	- - -	68	
Number of boats—			
Fishing ships' boats	- - -	669	} 1,241
By-boats	- - -	115	
Inhabitants' boats	- - -	457	
Quantity of fish made this year	- - -	—	372,300 cwt.
Number of inhabitants	- - -	—	3,009

1700.

1701-1702.

No. 1718.

Number of ships - - -			
Fishing ships - - -	171	}	220
Sack ships - - -	49		
Number of men belonging to the ships	—		4,960
Number of boats—			
Fishing ships' boats - - -	800	}	1,564
By-boats - - -	90		
Inhabitants' boats - - -	674		
Quantity of fish made this year - -	—		312,000 cwt.
Number of inhabitants - - -	—		3,773

1701.

Number of ships—			
Fishing ships - - -	75	}	121
Sack ships - - -	46		
Burden of the fishing ships - - -	—		7,991 tons
Number of boats—			
Fishing ships' boats - - -	338	}	993
By-boats - - -	97		
Inhabitants' boats - - -	558		
Number of by-boat men - - -	—		407
Quantity of fish made—			
By ships - - -	79,820	}	216,320 cwt.
By the inhabitants - - -	136,500		
Quantity of fish carried to market - -	—		154,370 cwt.
Quantity of train made—			
By ships - - -	1,263	}	3,796 hgds.
By the inhabitants - - -	2,533		
Number of stages - - -	—		544
Number of inhabitants—			
Men - - -	461	}	3,575
Women - - -	166		
Children - - -	250		
Servants - - -	2,698		

French trade at New-  
foundland. { We take leave also to add a short account  
of the state of the French trade in those parts.  
Their trade in furs upon Newfoundland is very

inconsiderable, and the fishery is managed all by fishing ships, without making use of sack ships or by-boats, as the English do. Their plantations there do not increase, nor are they of any other use than for preserving the boats' craft and goods left by the merchants' ships for the succeeding voyage. They fish upon the banks in Placentia Bay, and upon the north-east coast of Newfoundland. Placentia is the only place of strength they have in the country, which is daily fortified and well furnished with ammunition and had new supplies this year, there being three companies of foot with thirty men in each company. They have the fish a month sooner in Placentia Bay; make their fish with greater despatch and leave the country much sooner than our people, and consequently may supply any market they please before us. They send yearly a considerable number of ships to fish upon the bank



1701-1702. of Newfoundland, which arrive there about the 10th of June, and  
 — depart the latter end of August.

No. 1718. Trade in general. { Several matters relating to the plantation  
 of trade in general, we further humbly take leave to lay before your  
 Lordships some heads of what we have done on that subject in the  
 manner following :—

Woollen manufactures { Whereas one considerable advantage does  
 in America. { and may accrue to England, by the con-  
 sumption of our woollen manufactures in his  
 Majesty's plantations in America ; and we have observed that several  
 of those plantations have applied themselves to the improvement of  
 woollen manufactures in those parts for the supply of themselves and  
 neighbours and to the hindrance of the exportation thereof from thence.  
 We prepared a clause for the preventing thereof, which has accordingly  
 been enacted : and we have since understood that the restraint thereby  
 put upon them has, in the plantations under his Majesty's immediate  
 government, had some good effect.

Trades of England { His Majesty having required us to take  
 and Ireland with respect { into consideration the trade of England  
 to each other. { and Ireland, how they stood in relation to  
 each other, and how they might be im-  
 proved to the advantage of both nations, we did it accordingly ; and  
 further took that occasion humbly to represent, that the most proper  
 means to divert the people of Ireland from applying themselves to  
 the woollen manufactures, was by giving them such encouragement in  
 the manufacture of linen as might engage them heartily in it. And  
 likewise in obedience to your Lordships' Order of the 14th March 1698,  
 we humbly laid before your Lordships a Report relating to the pro-  
 portion of the charge, which the woollen manufacture in Ireland bears  
 to the charge of the woollen manufacture in England ; with such  
 further notes in reference to that matter as your Lordships were then  
 pleased to require from us.

Irish Bills. { His Majesty having also been pleased  
 { to require our opinion upon some Bills trans-  
 mitted from Ireland, we have in several representations thereupon  
 endeavoured to suggest such considerations as might tend to induce  
 that Parliament to the passing such Acts in reference to the woollen  
 and linen manufacturers, as might be of mutual benefit to both  
 Kingdoms.

Monsieur Crommelin's { And his Majesty having likewise referred  
 proposals. { to our consideration some proposals made by  
 Monsieur Crommelin, (a French refugee),  
 long experienced in the linen manufacture, for the more effectual  
 establishment and improvement of that manufacture in Ireland, we  
 humbly offered our opinion in divers particulars for the encouragement  
 of that undertaking, and his Majesty was pleased to give directions  
 accordingly. From which manufacture thus established, we hope this  
 Kingdom may be so well furnished with linens, as to afford a supply  
 thereof to his Majesty's dominions in America.

Turkey and East India { The Turkey Company finding their Com-  
 Companies interfering. { pany much prejudiced by the East India  
 Company seeking a vent in the northern  
 parts of Persia for those draperies which by their Charter they are  
 obliged annually to export ; and his Majesty having referred that  
 matter to our examination, we did in the month of January 1697-8,  
 humbly report our opinion that it would be inconvenient that the

East India Company should send any greater quantities of draperies into Persia than they had done formerly, and that they ought, therefore, to vend the draperies they are obliged to export, either in India, China, Japan or elsewhere, at such distance from those places where the Turkey Company have usually traded, as may not cause any interfering between those two Companies.

1701-1702.

No. 1718.

East India Trade. { And, for the better preventing other more general inconveniences apprehended from the East India trade, we did also, upon another occasion, humbly propose that the wearing or consumption of the manufactured goods of India, Persia or China, made of silk or herb or mixed with other of those materials, as also of painted or stained calicoes and of all handicraft wares imported from those parts should be discouraged and lessened in these Kingdoms and in his Majesty's plantations.

Muscovy Trade. { Upon the Czar of Muscovy's coming into Holland, we represented the state of trade between Muscovy and England, and the advantage this Kingdom would receive by the importation of tobacco, one of our chief plantation commodities into that country, if permitted. Whereupon instructions were sent to his Majesty's Ambassadors at the Hague to treat with the Czar's ministers, which was done accordingly. And we afterwards represented the necessity of enlarging the Russia Company, as has since been done by Act of Parliament, in order to the better improving of that trade and the supply of the naval stores from thence, as well as from Denmark and Sweden.

Treaty of Ryswick. { Upon occasion of the late Treaty of Peace at Ryswick, a particular account having been required from us, for the information of his Majesty's plenipotentiaries there, of what had been lost or gained in all his Majesty's colonies and plantations since the Treaty of Breda until that time, we accordingly prepared many particular accounts, not only of what had been lost or gained as aforesaid.

Differences between the French and English in America and Africa. { But also of all pretensions and grounds of differences between the French and us with relation to each particular plantation, as also to Newfoundland, Hudson's Bay, the Royal African Company, &c.; which were accordingly transmitted.

Commissioners from France since the Peace. { Since the conclusion of the Peace, we did also, by his Majesty's directions, draw up many memorials for the use of the Commissioners appointed by his Majesty to treat here with Commissioners from France upon all such of the foresaid matters as by the Treaty of Ryswick required any further settlement.

Algiers passes. { The regulation of passes for ships trading to the Mediterranean and other southern parts with respect to the government of Algiers, being of great importance to the trade of his Majesty's subjects into those parts, we have, by his Majesty's directions, in several representations humbly offered our opinion thereupon, as also concerning a treaty with that government, and likewise with the Emperor of Morocco and relating to the English trade at Tunis.

Passes for ships trading in the way of the Algerines. { And whereas the Lords Commissioners of the Admiralty did afterwards receive advice from his Majesty's Consul at Algiers, by his letter of the 13 April 1700, that the Dey of that place had given no longer time than till September following for all ships belonging to his Majesty's subjects to be provided with



1701-1702. Admiralty passes, which had been discontinued during the late war; insisting upon the Treaty made with them the 10th of April 1682, and  
 —  
 No. 1718. declaring that after that time such ships as should be met by their cruisers, not being furnished with passes in the form required, would be seized and carried up to Algiers, by which means the plantation ships, those from Newfoundland and others employed in long voyages, would have been in great danger. And his Majesty having thereupon required us to consider and settle the method of granting passes to the ships of his subjects trading in the way of the Algerines, we humbly reported to his Majesty the state of that matter, not only in relation to the forms of such passes, but more particularly to the places whither they should be sent; to the persons who might be entrusted with the distribution thereof, and to the directions and instructions to be given to such persons in the executing that trust. And we humbly proposed that the most pressing and effectual means might be used with the government of Algiers to enlarge the time that had been limited by that government. All which having been accordingly directed, passes were sent to the several persons appointed to distribute them, and the government of Algiers was prevailed with to prolong the time for one year more, viz., till the end of September 1701; by which means the navigation of his Majesty's subjects has been preserved from that danger.

Project of a treaty  
 with the Emperor of  
 Morocco.

{ Having been further required to consider  
 and report our opinion upon the project of  
 a treaty between his Majesty and the  
 Emperor of Morocco, and more particularly  
 whether a peace with that government would be for the benefit and  
 advantage of the trade of this Kingdom; we did thereupon consult the  
 merchants concerned in that trade, and, having represented our  
 opinion that in the present circumstances of affairs, such a treaty  
 might be advantageous, we also offered such alterations or obser-  
 vations upon that project as we conceived proper, more especially  
 with relation to passes; observing thereupon, that the obliging English  
 ships to produce passes to those rovers would be a means of  
 furnishing them with pretences and cavils wherewith to colour  
 their violences, we, therefore, humbly proposed that the article  
 relating thereunto might at present be omitted; but, if they should in  
 any future occasion insist upon it, that it might be used as an argument  
 to obtain better terms from them upon any other dispute.

Treaty of Commerce  
 with Sweden.

{ We have prepared the draft of a treaty of  
 commerce with Sweden with such articles as  
 we conceive proper, not only to preserve the  
 trade and vent of our northern draperies in that country, but also to  
 remove the many difficulties which his Majesty's subjects trading into  
 those parts have of late years lain under.

And with France.

{ We did also, some while since, take the like  
 care in the draft of a treaty of commerce  
 with France, and prepared such memorials relating thereunto as might  
 have been proper to be had in consideration, in case a negotiation of  
 that nature had been set on foot.

French memorial  
 about trade to Senegal  
 and Gambia.

{ The French Ambassador having presented  
 to his Majesty a memorial complaining of the  
 Royal African Company's trading into the  
 river Senegal and of their hindering the  
 French from trading up the river Gambia; we thereupon heard the  
 Company, and finding that they deny their trading up the river Senegal  
 and assert their right to the sole trade up the river Gambia, we

represented the same to his Majesty for answer to the said Ambassador's memorial and offered that the trade along the coast ought to be kept free and common to both nations.

1701-1702.

No. 1718.

Ship seized by the French on the coast of Africa. {

In further reference to that trade, a complaint having been made to his Majesty in Council of the seizure of a ship called the *William and Jane* by the French about port "Adally" on that coast of Africa, where she was trading with a licence from the Royal African Company according to the late Act of Parliament, we represented to his Majesty the Company's right and their constant trade on that coast, humbly proposing that his Majesty would be pleased to insist upon the restitution of the said ship and damages, and to give such further orders as should be thought fit to prevent the like violences for the future.

Vessel seized by pirates at Madagascar. {

A vessel called the *Beckford*, galley, belonging to English owners, having been seized at Madagascar by pirates in conjunction of the said ship's company, we did, at the owners' desire, represent the case to his Majesty; and letters prepared by us for his Majesty's royal signature were thereupon despatched to the Governors of the plantations for securing the said ship and men and proceeding against them according to law. And, upon all other applications made to us from merchants and others concerned in trade, we have constantly represented their cases to his Majesty, or given them such other assistance as the nature of their business has required.

Suppression of piracy. { Upon the passing of the late Act for the more effectual suppression of piracy, wherein it is provided that Commissions be passed, either under the Great Seal of England or under the Seal of the Admiralty for the trial of pirates in the methods directed by the said Act, we did immediately represent to his Majesty the necessity that those Commissions should be despatched; and, his Majesty having thereupon directed them to be passed under the Great Seal, we further humbly offered our opinion upon the form which had been prepared by Mr. Attorney and Mr. Solicitor-General, and, having consulted both the Old and New East India Companies, we settled with each of them to what persons and places those Commissions might be fitly directed in those parts. And soon after, we also laid before his Majesty a list of the persons and places to which the like Commissions might be directed in his Majesty's plantations in America. All which having accordingly been done and the said Commissions being passed and sent, we prepared letters for his Majesty's royal signature to the respective Governors of those plantations for sending hither all accessories in cases of piracy who, by the said Act, are not to be tried beyond the seas. And, having been further required by his Majesty to consider the draft of a proclamation which had been prepared for encouraging the apprehending and convicting of pirates in reference to the time fit to be allowed them to come in and make affidavit as thereby directed, we humbly offered divers considerations relating to pirates; upon which his Majesty was pleased to issue his proclamation of the 6th of March 1700-1. We have since received letters from the Governors of his Majesty plantations, assuring us of their care and diligence in putting the said Act in execution, and his Majesty having been further pleased upon our Report to direct that duplicates of the said Commissions should be sent to each of the plantations by George Larkin, Esq., (nominated a Commissioner in each of them), that he, being a person well versed in the Civil Law and proceedings of the Court of Admiralty, might instruct other Commissioners in the most



1701-1702. proper methods, and accordingly settle the forms for the holding of those Courts. We prepared instructions for the said Larkin, whereby  
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 No. 1718. he was ordered to repair to Newfoundland, from thence to Massachusetts Bay, New York, Maryland, Virginia, Jamaica, the Leeward Islands, Barbados and Bermuda. In each of which plantations he is directed to deliver the said duplicates to the respective Governors and proper officers of those places, who were to give notice thereof to the Propriety and Charter Governments, comprehended within each of their respective districts. And we have accordingly been informed by the said Larkin from St. John's in Newfoundland that he had settled the forms of trials of pirates there, and left such directions in the hands of the proper officer that there could not well be any error in their proceedings against such pirates as may be taken in those parts. He has done the same at Boston, in the Massachusett's Colony, one of the Charter Governments. But illegal trade and piracy having found so general encouragement there, he is doubtful whether the Act will be duly complied with in its execution. From thence he was proceeding in his further course. And we shall, upon all occasions, continue do what in us lies, for the suppression of pirates, by our correspondence with the Governors of all his Majesty's plantations, as occasion shall require.

Poor. { We have constantly had in eye that article  
 { in our Commission which relates to the poor,  
 and the properest methods of making them useful and not burdensome to the public; and, having in a former Parliament made divers proposals how we conceived that work might be best effected and prepared an abstract of all the laws on that subject now in force, together with a draft of a Bill whereby those laws might be reduced into one, and laid the same before a Committee of the Honourable House of Commons, we do not find that we can at present make any further progress therein.

Lustring Company. { For encouragement of the Royal Lustring  
 { Company and the establishment of that  
 manufacture here, we have made several representations of what we conceived necessary to be done, divers of which things have since been enacted.

Rate of guineas. { In obedience to an Order of their Excellencies,  
 { the Lords Justices, relating to the rate of  
 guineas, which were then at 22 shillings, and to the difference of value between gold and silver, we made a Report upon that subject, grounded on exact computations of the proportion of value between gold and silver in other parts, and setting forth the prejudice that accrued to us by the over value of gold here, which we presume was of use towards the reduction of guineas to 21s. 6d. as they have since continued.

Determining differences { To prevent delays in determining differences  
 by arbitration. { about matters of trade, we prepared a Bill  
 { for determining such differences by arbitration, which has since passed into a law.

Leghorn merchants. { Upon the application of the merchants of  
 { this city trading to Leghorn, we represented  
 to his Majesty the grievances and further apprehensions which they or their correspondents there did lie under, by the imposition of taxes and other infringements of the ancient immunities and privileges granted to them by the Great Dukes of Tuscany, [and accordingly enjoyed, and, having thereupon proposed what might most contribute to their ease and security and to the advantage of England in that trade, we have been informed by Sir Lambert Blackwell, his Majesty's

Envoy Extraordinary in that Court, that upon our Report, such directions were given that the grievances complained of were removed and the following advantages procured, viz.: A liberty that all English ships from his Majesty's dominions with net patents should be admitted to immediate pratique in the ports of Tuscany, which had not been allowed for about 40 years before. A liberty that all woollen goods from his Majesty's dominions might be carried immediately from on shipboard to the merchants' warehouses, without making a quarantine of 15 days, as had been practised for above 40 years to the great damage of their goods and prejudice to the merchants. The Great Duke has taken off a duty of 2 per cent., which for 40 years past had been paid on all woollen goods from his Majesty's dominions, as likewise a duty of a half per cent., which was laid on the personal estates of all the English merchants at Leghorn. Whereas it has been a long custom to make all goods entered in or out of Leghorn to pay portorage, whether landed or not, the Great Duke has now ordered that no such duty should be required, but upon goods actually landed.

1701-1702.

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No. 1718.

Trade between England and Venice. { Memorials from Mr. Broughton, his Majesty's Consul at Venice, relating to the trade of fish and currants between England and the Venetian dominions, having by his Majesty's order been referred to our consideration, we consulted the merchants trading into these parts, and reported what we found to be the state of trade, not only with relation to those two commodities, but to the whole trade between England and the Venetian dominions in general; and we further set forth the inconveniences and hardships which we had been informed the English merchants trading into these parts do lie under.

Portugal merchants' complaints. { Differences having risen between the English merchants residing at Lisbon and the Judge Conservator of the English Nation there; and the merchants of London trading to Portugal having thereupon applied to his Majesty that he would please to interpose with the King of Portugal for the removal of the said Conservator, we gave his Majesty the necessary informations in that matter, and humbly proposed what we judged most for the ease of the merchants and the advantage of that trade. In relation to the general state of this Kingdom, we humbly laid before his Majesty, in December 1697, a representation setting forth the advantages and inconveniences arising, as we conceived, by the several branches thereof, together with the remedies which appear unto us to be proper for those inconveniences under each respective head.

Trade in general. { Particularly we did then, and at other times we had made, it appeared that we had imported goods from some countries to a much greater value than what we had exported and instanced that we were overbalanced in our trade with Sweden and the Baltic about 200,000*l.* per annum. In our trade to Denmark and Norway about 150,000*l.* per annum. That by the entries in the Custom House books, it appeared that we had for several years exported to the East Indies above 400,000*l.* per annum in bullion, besides what was carried out privately or shipped from Spain; and that for some years before the late war we had been over-balanced in the French trade about one million per annum. Whereupon we also added our observations that such trades had occasioned the exportation and decrease of our silver coin. And hereupon we humbly crave leave to add, that by the enquiries we have since made, we are confirmed in the same



1701-1702. opinions, but more particularly by the abstracts of our exports and imports, which we find to be as follows:—

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From Christmas 1697 to Michaelmas 1698.

	Pounds Sterling.		Pounds Sterling.
Exported—		Imported—	
To Sweden - -	52,379	From Sweden - -	219,492
To Denmark and		From Denmark and	
Norway - -	37,232	Norway - -	90,957
To the Baltic or the		From the Baltic or	
East Country -	150,018	the East Country -	197,476
	<u>239,629</u>		<u>507,925</u>

From Christmas 1698 to Christmas 1699.

	Pounds Sterling.		Pounds Sterling.
Exported—		Imported—	
To Sweden - -	57,587	From Sweden - -	245,802
To Denmark and		From Denmark and	
Norway - -	38,078	Norway - -	86,744
To the Baltic or the		From the Baltic or	
East Country -	165,731	the East Country -	224,546
	<u>261,396</u>		<u>557,092</u>
To East India—		From East India—	
In goods - -	155,235	In goods - -	717,695

	Pounds sterling.
In silver at 5s. per ounce - -	841,881
In gold at 4 <i>l.</i> per ounce - -	29,228
	<u>871,109</u>

To which abstracts must be added the freight or carriage of most of the goods that come from Sweden, Denmark, Norway and the Baltic, because it is paid to the natives of those countries or to other foreigners, which upon some commodities amounts to near as much as the first cost of the goods and will make those overbalances to be greater than we have expressed them. By the said abstracts we also find that, since our fore-mentioned calculations, the exportation of bullion for India has much increased upon us, which has occasioned a greater consumption of silver; and our increasing expense in the consumption of some foreign commodities at home has hindered the importation of it; one instance whereof may be in wines, which between Christmas 1698 and Christmas 1699 amounted to 21,568 tuns; and those coming most from Spain and Portugal, it is evident that the importation of bullion from those parts was thereby much lessened. Upon occasion of these observations, we also further represented that the great variations and changes which have happened in trade since the year 1660 did require that a new Book of Rates should be made, as the most effectual means to remove many difficulties which our particular trades lie under by reason of alterations in the prices of most commodities since that time; many of those commodities being charged too high and others too low with respect to their present value. On occasions whereof, our neighbour nations have taken great

advantages on several branches of our trade. We have also suffered much by the importation of many manufactured goods and handicraft wares, which hinder the consumption of our own, and fair traders are likewise discouraged by the corruptions which have grown up in the management of the re-exports, debentures and drawbacks. All which inconveniences cannot have a more proper and general remedy than by making a new Book of Rates and by such proposals as may be made by the Commissioners, Inspectors and other Officers of his Majesty's Customs consulting with merchants and taking such a comprehensive view of the whole trade of this Kingdom as will be necessary in order to compose such a book. Upon the whole, finding that those foreign trades in which we suffer by the over-balance on their side cannot be remedied but by help of the legislative power, we have thought it our duty to lay before your Lordships these remarks, viz., that by the vast quantity of silver annually exported; by the great price given for silver uncoined, more than its value in coin; by the small quantities of foreign silver which have been brought to the Mint to be coined for 12 years last past; by the general use that is made of gold coin in all parts of the Kingdom for the payment of debts, &c., (besides the present apprehensions of an interruption in the Plate trade from the Spanish Indies), it is too obvious that our silver coin has been much diminished by these trades and we are in danger to receive daily further prejudice thereby.

1701-1702.

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No. 1718.

As to the security of his Majesty's plantations.

State of defence of the plantations. { We did on the 10th and 25th of January 1700-1, humbly lay before his Majesty the state of the several forts and fortifications in

his Majesty's colonies and plantations in America, and of other particulars necessary for the defence of the same, and thereupon, for his Majesty's further information did, by his Majesty's command, write to the several Governors directing them to despatch to us, with all diligence, perfect accounts of the state of defence of the plantations under their respective governments and of the stores and materials of war there wanting; that we might report to his Majesty what might be required from the several plantations and what might be fit for his Majesty to do for their defence; and, having thereupon received answers from several Governors and further considered the condition of those parts with relation to the present conjuncture, we have lately represented the same to his Majesty, and we do humbly lay before your Lordships,

Newfoundland. { That Newfoundland is of great importance to this Kingdom, by reason of its trade and fishery. That the place of chief strength in it is St. John's harbour, which is now fortifying by his Majesty's order; the garrison there, by the establishment, consisting of 80 private soldiers besides officers. That we have been informed from Captain Richards, the engineer, that great quantities of materials were wanted from hence for finishing the forts, and that he had engaged several masters of ships to bring each of them such proportions in ballast at their next return thither as conveniently they might, of which we have given notice to the Office of his Majesty's Ordnance, and are transacting with the merchants and owners of ships what in us lies, for the furtherance of this service.

Continent. { That on the Continent his Majesty has a dominion of a very large extent, which at present requires a more especial care. That as to the most northern parts, Col. Romer, the engineer, sent thither by his Majesty, having



- 1701-1702. surveyed all the coast from St. George's river to Boston and sent us drafts of the principal bays and harbours, with the condition of several places on that coast which are thought necessary to be fortified, we thereupon offer the following account, viz.:
- No. 1718.

Pemaquid. { That about 5 leagues to the westward of St. George's lies Pemaquid, a spacious river and of great consequence, as covering three other rivers, at the entrance of which river, within two leagues of the main sea, formerly stood a fort, which in the late war, at the approach of two French men-of-war with 100 soldiers and 500 Indians, was surrendered by a garrison appointed by the people of New England and demolished by the said French and Indians. That, for the security of this port and harbour and of all that country and to encourage the people to settle there as formerly, Col. Romer advises that a good fort be built in the same place, or thereabouts. And, for its better defence in case of an attack from the sea, that a battery be raised at the next point of land and a redoubt or round tower on John's Island.

Piscataway is a river of great importance to trade and the security of the country, being the boundary between the province of Main and New Hampshire; and that on Great Island, so called, at the mouth of this river, is a fort of 30 guns on New Hampshire side, but incapable of defending the river. The place where the said fort stands being very proper for building a new fort, such as the growing trade of that place and country requires, Col. Romer has sent a design thereof, and adds, that a strong tower on the point of Fryer's Island, a battery on Wood Island and another battery on Clarke Island would be very necessary.

Massachusetts Bay. { That the Massachusetts Bay has in it many islands, the chiefest whereof is Castle Island, not far from Boston, upon which is a fort for securing the passages and channels of the bay. That by a memorial and two addresses presented to his Majesty from the Council and Assembly of that province, they represent their unwillingness to comply with what has been required from them for their own defence and towards the building of forts in the neighbouring province of New Hampshire, as well as with the quota of 350 men, directed to be furnished by them in case of necessity for the security of the frontiers of New York, alleging for excuse the charge they have been at in building a small fortification at Casco Bay, 50 miles to the eastward, and their being now actually at work in raising fortifications on Castle Island in the harbour of Boston, which they esteem to be the place of the greatest consequence, and representing withal that the fort at Pemaquid which they were required to build would be useless to them as well as too chargeable, which place nevertheless being within their territories is generally esteemed of great security to those eastern parts bordering upon the French. They further humbly signify their desire that his Majesty would be graciously pleased to assist them with cannon, small arms and other stores of war for the fortifications there, as also that some ships of war of greater force than those at present in that station may be sent for the better guarding and securing of the coast in case of war. To which Col. Romer adds, that the people there are unfit for any military service and stand in great need of a good commander with other subordinate officers and 150 men for the defence of the new fortifications. That they want 50 cannon of 24 lb. to 18 lb. ball, 2 mortars, granadoes and bullets in a reasonable proportion, 4,000 hand granadoes with their fuzes, 600 firearms, 400 heads for half-pikes, 2 master-gunners and 1 bombadier. The said Col. Romer informs us that 4 French ships were lately arrived in Accadie [Acadia] with a new

Governor and 600 men, which gave great apprehensions to his Majesty's subjects in the Massachusett's Bay. Whereupon we have humbly represented that his Majesty would be pleased to send thither some cannon and such a quantity of the small arms demanded as his Majesty should think fit; as also to constitute and immediately send thither a Governor and Lieutenant-Governor, fit and proper to assert his Majesty's authority in those parts, and also well qualified to compose the factions that have divided the inhabitants thereof. And that such Governor or Lieutenant-Governor should strictly admonish and require the inhabitants to exert themselves, as well in fortifying those parts, as in providing what may be necessary in all respects for their further defence.

Connecticut. { That, Connecticut being likewise a frontier province to the French and the inhabitants thereof having been negligent of their own security, we humbly offered that his Majesty would be pleased to direct them to make due preparations against an attack and to be ready to assist their neighbours of New York and New England.

New York. { That in the province of New York, which is esteemed as the centre of his Majesty's plantations on the Continent, there is a fort for the security of that city and harbour, which is in a tolerable good condition. From thence 140 miles up Hudson's river is the town and fort of Albany, and about 20 miles further on another river lies Schenectady, both which are of great consequence towards the security of those parts, and do therefore require an assistance of money to be sent thither for the necessary repairs and adding what further works may be wanting.

Onondage. { In the Onondage country, a fort was proposed by the late Earl of Belmont towards the securing the five nations of Indians in their allegiance to his Majesty, for which provision is already made by his Majesty's gift of 500*l.* and a contribution of 1,500*l.* by the Assembly of New York; though upon the more pressing necessity of repairing the forts at Albany and Schenectady we have given our advice that some part of the said 1,500*l.* should be made use of towards that service. And whereas this province has been at great charge for its own defence during the late war and is unable to sustain the continuance of such a charge without some help, his Majesty has been pleased further to assist them upon several occasions with stores of war, and lately, upon the sending of the Lord Cornbury thither, with a considerable quantity of ammunition. But as for the contributions which we did propose to his Majesty as fit to be made by other plantations on that Continent and in order to which his Majesty has been pleased to send letters to the respective Governors and Proprietors, the said plantations have generally declined it, without giving any sufficient reasons for the same, and, in consideration thereof, we have again humbly offered that his Majesty's orders be renewed to those plantations in the most pressing terms that they do comply with his directions therein, as a matter of common benefit and security.

East and West New Jersey. { The province of East and West New Jersey are without any forts or places of defence, and being proprietries where no regular government has ever been established, the great disorders amongst them have now inclined the Proprietors to make application to his Majesty to accept of a surrender of their pretended right to government and to put them under a Governor appointed by his Majesty's immediate Commission, which matter is now transacting, and a form of

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No. 1718.



1701-1702. a surrender returned from his Majesty's Attorney-General, which the said Proprietors are to execute.

No. 1718. Pennsylvania. { The province of Pennsylvania is likewise without fortifications and in no state of defence, nor has any progress been made therein by the Proprietor, notwithstanding our instance to him on that subject, by order of the Lords Justices.

Maryland and Virginia. { His Majesty's provinces of Maryland and Virginia being large territories and lying open by great rivers, cannot so well be secured by fortifications, but in both these provinces there is a well regulated militia and places of rendezvous appointed for any occasion. But we understand that at present they are in want of a supply of small arms and ammunition.

Carolina. { The provinces of North and South Carolina are under Proprietors, who do not take due care to put that country into a state of defence, notwithstanding their being so exposed by the neighbourhood of the Spaniards. We, therefore, have judged it necessary to the public service that the said Proprietors be quickened by an immediate order from his Majesty to perform their duty herein, until some further provision be made.

Bahama Islands. { The Bahama Islands lying before the Gulf of Florida and in the way of all ships that come from the Havana and the Bay of Mexico, it is of great consequence to his Majesty's service that they be preserved from an enemy. They belong to Proprietors who ought to take care of them; but we have not been able to dispose those Proprietors to such compliance as was proper for his Majesty's service herein. The Governor has lately desired some force to keep the fort there, (built for 32 guns), which, being of immediate concern to the Proprietors, it is necessary that they be obliged to take some speedy care therein.

Bermudas. { In the Bermuda Islands there are five little castles, three of which lying at the entrance of the easiest passages to those islands, are most considerable, where many of the platforms being decayed, the guns unserviceable and stores and ammunition wanting, a supply of such stores has, upon our representation to his Majesty, been lately sent. Captain Bennett, his Majesty's Commander-in-Chief in those islands, has prevailed with the Assembly to pass an Act for repairing their forts and platforms, and has caused trenches to be cast up in all places where an enemy may most probably attempt to land; so that we hope thereby and by the company of foot, which his Majesty has likewise sent thither, that government is now in a good state of defence.

Jamaica. { As to Jamaica, we laid before his Majesty in our Report of the 25th of January, 1700-1, the importance of that Island, with drafts and plans of the necessary fortifications, and several considerations and proposals relating to the defence of each part thereof; and his Majesty has since been pleased to commission Brigadier Selwyn to be chief Governor there, upon which occasion his Majesty sent thither two regiments of foot, with stores and ammunition for the defence of the said Island; and, upon the arrival of Brigadier Selwyn there, we expect to hear from him what reinforcement of men and other materials and requisites of war will be further wanting for the security of that Island, and putting it into a posture of offending an enemy from thence, this Island, lying as it were in the centre of the Spanish West Indies and of the French settlements, Sir William Beeston, his Majesty's late Governor of that place, gave us not long

since an account that he had then no news of his Majesty's Squadron under the command of Vice-Admiral Benbow, but that he was credibly informed that about the 20th of September last, 26 sail were seen to windward of Martinico and the people of Jamaica supposed them to be French, which had engaged him to the putting the Island into as good a posture of defence as he could. That he had finished several small works near Port Royal and caused the bays, where most probably an enemy may land, to be entrenched. He had further, by the resolutions of a Council of War, fortified the town of St. Jago with a good trench, regular works and bastions, having 500 negroes daily on those works at the expense of the Island.

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St. Christopher's. { As to the Leeward Islands, at St. Christopher's there is a fort called Cleverly Point fort, where 20 guns are mounted; Brimstone Hill fort, where there are 12 guns and a small platform which has 6 guns, there being also 30 pieces of cannon brought out of the French part of this Island during the late war. Col. Codrington has given directions for the mounting and placing them with all speed, which being done, he conceives that there is not occasion at present for more artillery there, nor does he specify any further want of materials relating to the defence of that Island, but represents the danger of it to be greater than any other, by reason of the French being possessed of one half and the fate of it likely to be decided upon the breaking out of a war, as has formerly happened.

Antego [Antigua]. { At Antego are several little forts and platforms. The Governor proposes the sending of 20 long sakers, which may serve as well against the Indians as any other enemy; as likewise the building a small fort at Parham, for which he desires 12 guns. He would also make a new platform in another place where privateers in time of war and unlawful traders in time of peace are very busy. He further adds the great want of small arms in this Island.

Nevis. { At Nevis Col. Codrington represents the want of new carriages for the guns, and desires further 4 long sakers, 6 guns, 12 pounders, and 6 18 pounders, with sufficient quantity of shot for them, and 500 saker shot for the guns already in the fort and platforms, together with 20 barrels of cannon powder, his Majesty having been lately pleased to order 600 fire-locks to be sent to this Island for as many match-locks returned from thence.

Montserrat. { As to Montserrat, the Governor represents the Island as able to defend itself, but fears a danger from within by an insurrection, as happened upon breaking out of the last war, most of the inhabitants of that place being Papists. His Majesty has in these Islands a regiment of foot lately sent from Ireland, which wants to be strengthened, being of the lowest complement.

Barbados. { The island of Barbados to the windward is naturally fortified by rocks, and for defence of the leeward side, which is most exposed to an enemy, there is now a trench of 7 feet broad and 5 feet deep all along the coast and behind that a breastwork of loose sand about 6 feet high and 3 feet broad at the top. There are also on that side several redoubts, and at Bridgetown two forts, one at the entrance of the Road and the other within, which are the defence of that town and Road. We have received from Lord Grey, since his arrival, a memorial of what may be necessary for the defence of



- 1701-1702. this Island, that upon a strict survey of the state of the fortifications, made by himself and commissioners appointed for that purpose, he  
 — found in 29 forts and batteries 308 guns of several sorts, viz., 2 demi-cannons, 75 culverins, 108 demi-culverins, 101 sakers and 22 minions, several of which were unserviceable. That most of the forts and batteries were out of repair, his Lordship offering his opinion, upon consultation with the most experienced inhabitants of the Island, that there be sent thither at least 100 great guns of 12 feet long, together with a suitable proportion of shot and all other ordnance stores needful for them ; he further says that there is a want of small arms and shot. Upon which occasion we humbly take leave to observe, that the inhabitants of this Island have at all times built their own forts, and kept them in repair at their own expense and have furnished themselves, for the most part, with small arms. But at present they complain of their being deprived of the revenue of the  $4\frac{1}{2}$  per cent. raised within that Island for their fortifications and other public uses ; and of their being weakened by the great expense they were at in assisting the Leeward Islands during the late war, for which they desire a compensation. But as to such a number of great guns as may be proper with a due proportion of shot and ammunition as by them desired, we humbly conceive they must be sent from England.

Hudson's Bay. { The Company of Merchants trading to Hudson's Bay, having a factory in those parts, represent that they can no way be safe, unless some care be taken by his Majesty of their security, which they have particularised to us. Which demands, made by the several colonies and plantations before mentioned, we conceive to be chiefly in view of a present defence. But in case of a war, we are humbly of opinion that a greater quantity of stores and materials of war will be wanting and that, in the principal and most considerable of those plantations, it will be necessary that there may be magazines of

Magazines of ordnance stores. { ordnance stores of all kinds, as well for the defence of each respective place and of the colonies adjoining, as for annoying the enemy, who will be very watchful and active in this conjuncture, to take advantage against any of his Majesty's plantations, which are of so great importance to the trade and welfare of England.

Naval stores and credit for ships of war. { We are also humbly of opinion that there be a like provision there of naval stores and credit for his Majesty's ships of war, which have often lain very long useless in harbour in those parts, by reason of their want of necessaries for refitting, which has been of great prejudice to his Majesty's service, the safety of his Majesty's dominions in America depending chiefly on the naval force to be sent thither at proper seasons, which may secure that trade and encourage the planters, who will otherwise be apt to desert their settlements.

Propriety governments. { And, as it appears by what we have before represented, that the Propriety colonies are in a state wholly defenceless, not having provided themselves with arms and ammunition, many of them not having a regular militia and some of them being no otherwise at present than in a state of anarchy and confusion ; that they and the Charter governments have not complied with what has been demanded of them in reference to trade ; that they have not a regular administration of justice, but continue to be the refuge and retreat of pirates and illegal traders, and the receptacle of goods imported

thither from foreign parts contrary to law, in return of which commodities those of the growth of these colonies are likewise contrary to law exported to foreign parts; that divers of them have refused Appeals to his Majesty in Council, by which not only the inhabitants of those colonies, but others his Majesty's subjects are deprived of that benefit enjoyed in the plantations under his Majesty's immediate government, and the parties aggrieved are left without remedy from the arbitrary and illegal proceedings of their Courts; that they have not conformed themselves to the Acts of Parliament for regulating trade and navigation, to which they ought to pay the same obedience and submit to the same restrictions as the other plantations which are subject to his Majesty's immediate government, but, on the contrary, in most of these Propriety and Charter governments the Governors have not applied themselves to his Majesty for his approbation, nor have they taken the oaths required by the Acts of Trade, both which qualifications are made necessary by the late Act for preventing frauds and regulating abuses in the plantation trade; that they have made laws contrary and repugnant to the laws of England, and directly prejudicial to trade; that by raising and lowering their coin to their particular advantage and to the prejudice of other colonies; by exempting their inhabitants from duties and customs to which the other colonies are subject; by harbouring servants and fugitives and thereby encouraging the desertion of his Majesty's standing forces in those parts, these governments tend greatly to the undermining the trade of the other plantations, and, by such diminution of hands, the rest of the colonies more beneficial to England do very much suffer. That these independent colonies do turn the course of trade to the promoting and propagating woollen manufactures proper to England, instead of applying their endeavours to the production of such commodities as are fit to be encouraged in those parts, and that in general they have no ways answered the chief design for which such large tracts of land and such privileges and immunities were granted by the Crown. To redress these and divers other great abuses in those colonies, and to introduce such an administration of government as might be duly subservient and useful to England, a Bill was offered to your Lordships during the last Session of Parliament, for re-uniting those governments to the Crown. And, in consideration that the cautions given them herein have not met with compliance, (several Governors and Lieutenant-Governors, not qualified according to the late Act of Parliament, having been appointed by those Proprietors, even since the last Session of Parliament), we cannot but continue in the same opinion that it may be very expedient for the ends above-mentioned, and particularly for the mutual defence of the plantations and the turning their trade to the benefit and advantage of England, that the Charters of the several Proprietors and others entitling them to a right of government be by the legislative power of this Kingdom re-assumed to the Crown, and that these colonies be put into the same state of dependency as other his Majesty's plantations, without prejudice to any man's property or freehold. All which is most humbly submitted.

1701-1702.

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No. 1718.

STAMFORD.  
LEXINGTON.  
PH. MEADOWS.  
WM. BLATHWAYT.  
JOHN POLLEXFEN.  
MAT. PRIOR.

Whitehall, Feb. 16th 170 $\frac{1}{2}$ .



1701-1702. [Delivered this day, in answer to an Order of the House of 5 Feb., which was occasioned by a passage in the King's Speech. L. J., XVII. 6, 27, 36. Nothing appears to have been done on this Report at this time, but on 23 Nov. 1702 it was referred to the Select Committee appointed to consider the Commissioners' Report delivered on 20 Nov. 1702. L. J., XVII. 171.]

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No. 1718.

1719. Feb. 16. Test Roll (25 Car. II. c. 2).—\*Roll to contain the signatures of Lords to the Declaration in the Act of 1672 for preventing dangers which may happen from Popish Recusants. *Parchment Collection.*

1720. Feb. 16. Association Roll (7 and 8 Will. III. c. 27).—\*Roll to contain signatures of Lords subscribing to the Association set out in the Act of 1695-6 for the better security of his Majesty's royal person and government. *Parchment Collection.*

1721. Feb. 17. Rose's Estate Act.—Amended Draft of an Act for confirming the title of Thomas Rose, Gentleman, to lands called Rempstone, and for sale of lands called Carrant's Court, in the county of Dorset, for payment of the debts of William Rose, Gent., and for settling the manor of Cheddar *Fitzwalters*,† in the county of Somerset, with the overplus on the said sale on Mary Rose, an infant, daughter of the said William, in lieu of 3,000*l.* portion for the said infant. The amendments made by the Lords were merely of a drafting nature. There were no amendments in the Commons. [Read 1<sup>st</sup> this day. Royal Assent 30 March 1702. L. J., XVII. 38, 87. 1 Anne c. 21 in Long Cal. See Com. Book March 8, 10.]

Annexed:—

(a) 16 Feb. Petition of Thomas Rose, Gent., and Mary Rose, widow and relict of William Rose, Gent., deceased, on behalf of themselves and Mary Rose, her daughter, an infant. William Rose, Petitioner Mary's husband, conveyed the farms of Rempstone, Carrant's Court and a tenement in Froghole, Dorsetshire, to trustees, for the purpose, among other things, of raising a portion of 3,000*l.* for his daughter or daughters, if he had no issue male. Petitioner Mary was seised of a moiety of the manor of Cheddar, which she conveyed to trustees, to her use until marriage, then to herself and her husband, and then to raise 500*l.* for younger children. William sold Rempstone to his brother the Petitioner Thomas, whose title is defective, as the term for raising the portion of 3,000*l.* for William's only child, the infant Mary, is not barred by the fine and recovery. William had purchased the other moiety of Cheddar, and Petitioner Mary is willing, if the title of Thomas to Rempstone be confirmed, that Carrant's Court be sold for payment of debt, and Cheddar preserved entire, for the whole manor, with the overplus on the sale of Carrant's Court, which is of far greater value than the 3,000*l.*, to be settled on her daughter. Petitioner Thomas is thereupon also willing to be barred of his expectancy in remainder as heir to his brother and neice. Pray leave for a Bill to be brought in to give effect to this arrangement. *Signed* Thomas

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\* The Roll contains the names of 8 Peers, viz., E. Carlisle, L. North and Grey, E. Huntingdon, L. Berkeley, L. Mohun, D. Somerset, L. Ferrers, E. Bradford.

† Added by the Lords' Select Committee.

Rose, Mary Rose. *Endorsed* as read this day. L. J., XVII. 1701-1702.  
36.

(b)  $\frac{8}{10}$  March. Paper of amendments made in the Select Committee. Com. Book. No. 1721.

1722. Feb. 17. E. Thomond's Estate Act.—Amended Draft of an Act to enable the *Right Honble.\** Lady Henrietta O'Brien, mother and guardian of the *Right Honble.\** Henry, Earl of Thomond, an infant, to make leases of his estate in Ireland for the discharging of incumbrances thereon and of a charge of 4,000*l.* for his sister's portion. The amendments, made by the Lords, were to add in the preamble the words describing the settlement of 25 April 1664 and those specifying the charge of 12,000*l.* therein for portions to Lord Henry O'Brien's two daughters, and that of 8,000*l.* to the two daughters of Henry, Earl of Thomond; also to leave out words referring to these two charges in more general terms and to insert the names of the persons whose consent to the leases was required. They also added the words, with interest for the same according to the said settlements, in the proviso for the case of incumbrancers refusing to be paid off, and three clauses (*see Annexes (c), (d) and (e)*) before the last general saving clause. The other amendments were of a drafting nature. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 30 March 1702. L. J., XVII. 37, 87. 1 Anne c. 14 in Long Cal. *See* Com. Book March 10, 11.]

Annexed:—

(a) 9 Feb. Petition of the Lady Henrietta O'Brien, mother and guardian of Henry, Earl of Thomond, an infant, for and on behalf of her said son. The Earl's estate in Ireland is much encumbered by jointures, portions, &c., and much wasted and destroyed by the late wars there; and he has no means of raising money to clear it but by making leases, which he cannot do, being under age. Prays leave to bring in a Bill enabling her, or him, in case of her death, to make leases during his minority, in order to clear the estate and secure a portion of 4,000*l.* to Lady Mary O'Brien, her daughter, according to the Will of Henry, late E. Thomond. *Signed* Henrietta O'Brien. L. J., XVII. 30.

(b)  $\frac{10}{11}$  March. Paper of amendments made in Select Committee on these days. Com. Book. [On 10 March several amendments prepared by the Prosecutors were offered in a paper and agreed to be put in the proper places. Com. Book.]

(c) 11 March. Draft of Clause, marked +, providing that security should be taken by the Court of Chancery from the collectors of money under this Act. [Added to the Bill this day by the Select Committee. It had been ordered on 10 March to be drawn by Mr. Brocket. Com. Book.]

(d) 11 March. Draft, marked A, of the saving clause for Lady Katherine O'Brien. [Added to the Bill this day by the Select Committee. Com. Book.]

(e) 11 March. Draft, marked B, of the clause providing for the execution of the Act in case of Lady Henrietta O'Brien's death. [Added to the Bill this day by the Select Committee. Com. Book.]

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\* Added by the Select Committee.



- 1701-1702. —  
 No. 1723. 1723. Feb. 17. Meredith's Estate Act.—Amended Draft of an Act for enabling Sir William Meredith, Bart., to sell part of a capital messuage [and other things] *lands and hereditaments hereinafter mentioned*\* in Ashley, in the county of Chester, he having settled other lands and tenements in lieu thereof. The amendments, made by the Lords, besides some of a drafting nature, were to add the names of the trustees, and the clause, marked A, (Annex (d)). The Commons made some drafting amendments. C. J., XIII. 820. [Read 1<sup>a</sup> this day. Royal Assent 30 March 1702. L. J., XVII. 37, 87. 1 Anne c. 16 in Long Cal. On 6 March, in the Select Committee, Alexander Seaman swore that the estate to be sold was worth 101*l.* 5*s.* a year, and that to be settled in lieu thereof 212*l.* 17*s.* 4*d.* a year. Com. Book.]

Annexed :—

- (a) 12 Feb. Petition of Sir William Meredith, Bart., on behalf of himself and of Amos Meredith, his only son, and five daughters, all infants. Part of a capital messuage and other lands and hereditaments in Ashley, Cheshire, were, on his marriage, settled on him for life, without impeachment of waste, and afterwards for the benefit of the infants. He has contracted with Thomas Ashton, Esq., for the sale of the premises, and has already settled, in lieu thereof, lands in Henbury, in the same county, of equal or greater value, if the sale take effect. Prays leave for a Bill to be brought in for this exchange, which cannot otherwise be effected, owing to the minority of the infants, though to their advantage. *Signed* Wm. Meredith. *Endorsed* as read this day. L. J., XVII. 34.
- (b) 6 March. Consent of Richard Legh subscribed to a copy of the Bill. *Dated* 16 Feb. [Produced this day before the Select Committee and proved by Josiah Torkington and George Meredith. Com. Book.]
- (c)  $\frac{6}{7}$  March. Paper of amendments made in the Select Committee on these days. Com. Book.
- (d) 7 March. Amended Draft, marked A, of the clause for settling the substituted property. The amendment is to leave out the words, and that the said Sir Wm. Meredith shall have no more power to encumber the lands in Henbury settled by this Act, in lieu of his lands in Ashley, than he had to encumber and charge the lands in Ashley by virtue of this Act now to be sold, which appear at the end of the clause in another hand. [On 6 March the Prosecutors were ordered to draw this clause. It was offered this day by Sir William Meredith and added to the Bill after amendment. Com. Book.]

1724. Feb. 17. Marston's Charities Act.—Amended Draft of an Act for confirming and settling of diverse charities given by the last Will of Job Marston, Gent. The amendments, made by the Lords, besides those of a merely clerical nature, were to insert the name of Marston's Chapel, to limit the sum for repairs to 1,000*l.*, to substitute the words, one month, for the word, forthwith, for the election of a new trustee, to add words as to the custody of the book in which the names of trustees were to be entered, and to add clauses, marked A and B, (Annexes (c) and (d)). The amendments, made by the Commons, were merely of a clerical and drafting nature. C. J., XIII. 824. [Read 1<sup>a</sup> this day. Royal

\* Substituted by the Select Committee for the words in square brackets.

Assent 6 May 1702. L. J., XVII. 37, 118. 1 Anne c. 39 in Long Cal. 1701-1702.  
See Com. Book Feb. 23, 25.]

Annexed :—

No. 1724.

(a) 17 Feb. Petition of Joshua Avenant, Humphry Powell and John Brierley, executors of the last Will and Testament of Job Marston, deceased. Job Marston, late of Hall-Green, in the parish of Yardley, Worcestershire, Gent., deceased, left several legacies to charitable and pious purposes, and made Petitioners his executors. They are advised that it will be for the public good to have the legacies confirmed by Act of Parliament, and pray leave to bring in a Bill for that purpose. *Signed* by the three Petitioners *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 37.

(b) <sup>23</sup>/<sub>25</sub> Feb. Paper of amendments made in the Select Committee on these days. Com. Book.

(c) 25 Feb. Draft, marked A, of the part of the preamble which recites the part of the Will containing the legacies to Mrs. Cooper, of Moseley, and others down to the bequest of mourning garments to the household servants. [Added this day by the Select Committee. Com. Book.]

(d) 25 Feb. Draft, marked B, of the part of the preamble which recites the part of the Will revoking former Wills and adding the codicil of 27 May. [Added this day by the Select Committee, being one of the amendments offered by the Prosecutors. Com. Book.]

1725. Feb. 17. Alice Bromwich's Estate (Whitchurch) Act.—Amended Draft of an Act for vesting several messuages, lands and tenements in the parish of Whitchurch, in the county of Chester, in trustees to be sold for paying off the incumbrances charged thereon and for other uses therein mentioned. The Lords, besides a drafting amendment, inserted the names of the trustees. The amendments, made by the Commons, were of a drafting nature. C. J., XIII. 822. [Read 1<sup>a</sup> this day. Royal Assent 30 March 1702. L. J., XVII. 37, 87. 1 Anne c. 18 in Long Cal. See Com. Book 6 March and No. 1654.]

Annexed :—

(a) 16 Feb. Petition of John Edwardes, Gent. Alice Bromwich, widow, deceased, by her Will in 1689, after some legacies, left the rest of her personal estate to her two sons-in-law, Sir Francis Charlton, Bart., and Roger Pope, Jun., Esq., in trust for the children of her two daughters Dame Dorothy and Elizabeth, their respective wives. The trustees purchased a messuage and lands in Worswall, Cheshire, but, some of Mrs. Bromwich's debtors being insolvent, Mr. Pope could not make up the purchase money. He, therefore, borrowed 450*l.*, and prevailed on Petitioner and Edward Bickerton to be bound for it, assigning the premises to Petitioner to raise the 450*l.* and indemnify himself, the residue to go according to the Will. The premises having previously been settled to answer the trust, Petitioner cannot sell them, and, by the time the children come of age, the charges on the estate will be greater than it will bear. The Charltons and Roger Pope, whose wife is dead, consent to an Act of Parliament for the sale of the premises, and Petitioner prays leave to bring in a Bill for that purpose. *Signed* John Edwardes. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 35.



1701-1702.

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No. 1725.

- (b) 6 March. Signed consent of John Edwardes to the Bill, which he conceives to be absolutely necessary. *Dated* 25 Feb. *Attested* Ra. Littlehales, James Legg. [Produced this day before the Select Committee and proved by Littlehales. Com. Book.]
- (c) 6 March. Consent of Sir Francis Charlton, Bart., and Dame Dorothy, his wife, father and mother of the child to whom, together with the three children of Roger Pope, Jun., Esq., the residue of the estate is to go, and of John Coxe, of Cleat, Staffordshire, Esq., to whose children it would go in case of the death of Dame Dorothy and the other children, and of Lancelot Stephens, Gent., Thomas Barkham and Humfrey Brompton, the surviving trustees, to the Bill, without which the debt would eat out the premises before the children came of age. *Dated* 20 Feb. *Signed* Francis Charlton, D. Charlton, John Coxe, Ian. Stephens, Tho. Barkham, Humfrey Brompton. *Attested* Jon. Wynn, for all, and Thomas Hunt, Sarah Dunton, Mary Evans, Richard Barkham and Sidney Brompton for the Charltons, Coxe, Stephens, Barkham and Brompton respectively. [Produced this day before the Select Committee and proved by John Wynn. Com. Book.]
- (d) 6 March. Paper of the Amendments made in the Select Committee this day. Com. Book.

1726. Feb. 19. Mansell's Estate (No. 2) Act.\*—Amended Draft of an Act to enable Edward Mansell, Esq., to raise a further sum of 1,000*l.*† on a mortgage of the impropriate Rectory of Llanridian for payment of debts. The only amendment of any importance, made by the Lords' Select Committee, was the alteration of 1,500*l.* to 1,000*l.* throughout the Bill. There were also two drafting amendments. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 6 May 1702. L. J., XVII. 39, 118. 1 Anne c. 57 in Long Cal. See Com. Book March 18, 23.]

Annexed:—

- (a) 16 Feb. Petition of Thomas Hale and Alexander Trotter, Esqs., and Henry Fox, Gent., on behalf of themselves and others, creditors of Edward Mansell, the elder, late of Henllys, in the county of Glamorgan, Esq., deceased. Edward Mansell, the elder, in 1682, on the marriage of his son Edward with his now wife Margaret, settled upon them and their issue the Rectories impropriate of Llanridian and Penrice and other lands. He was at the time of his death also seised of the manor of Henllys, in Glamorganshire, which, though mortgaged, was of much greater value than the settled lands. His son Edward obtained an Act of Parliament vesting the settled lands in Thomas Mansell, of Margam, Glamorganshire, Esq., and Thomas Drew, of Grange, Devon, Esq., in trust to raise 3,000*l.* for payment of his debts, and those of his father, and from any surplus, 2,000*l.* more for portions for younger children. The 3,000*l.* has been expended in paying off debt, but Petitioners, who are creditors of Edward Mansell, the elder, for about 1,500*l.*, not included in the Act, are thereby likely to be defeated of their debts, which had previously been charged on Henllys. Pray leave to bring in a

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\* See No. 1542.

† Substituted for 1,500*l.* by the Select Committee.

Bill enabling the trustees to raise out of the trust estate 1,500*l.* to pay off Petitioners and the remaining creditors. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* as desired. 1701-1702.  
L. J., XVII. 35. — No. 1726.

(b) 23 March. Signed Consent of Edward and Margaret Mansell, subscribed to a Draft of the Bill. *Attested* Benjamin Jenkins. [Produced this day before the Select Committee and proved by Jenkins. Com. Book.]

(c) 23 March. Paper of the amendments made in the Select Committee this day. Com. Book.

1727. Feb. 20. Exeter Deanery Estate (Culmstock) Act.—Amended Draft of an Act to enable the Dean and Chapter of the Cathedral Church of St. Peter, in Exeter, and their farmers and tenants to make leases of and in the manor of Culmstock, in the county of Devon. The Lords, in addition to two drafting amendments, added words immediately before the first enacting clause, to declare the consent of the majority of the tenants to the Bill. The one amendment, made in the Commons, was of a drafting nature. [Read 1<sup>a</sup> this day. Royal Assent 6 May 1702. L. J., XVII. 41, 118. 1 Anne c. 49 in Long Cal. See Com. Book 8 March.]

Annexed:—

(a) Feb. 19. Petition of John Sanford, Esq. Identical with No. 1624. *Signed* by Petitioner. L. J., XVII. 39.

1728. Feb. 20. Suffolk Place Improvement Act (Lant's Bill).—Amended Draft of an Act for the better improvement of Suffolk Place, in the borough of Southwark, in the county of Surrey. The amendments, made by the Lords, were merely of a drafting nature. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 25 May 1702. L. J., XVII. 41, 149. 1 Anne c. 78 in Long Cal. See Com. Book 27 March 1702.]

Annexed:—

(a) 19 Feb. Petition of Thomas Lant, Esq. Petitioner by descent, contingencies and mesne conveyances is present tenant for life of Suffolk Place, *alias* Southwark Place, in the borough of Southwark, the next remainders being to his issue with his present wife; but he has no power to grant leases and, the tenements being ruinous and unlet, the charge of repairs is very great. Prays leave to bring in a Bill enabling him to make leases for a term of years, reserving the best improved rent that can be got. *Signed* Tho. Lant. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 38.

(b) 27 March 1702. Paper of amendments made in the Select Committee this day. Com. Book.

1729. Feb. 20. Tempest's Estate Act.—Amended Draft of an Act to vest several lands and tenements, in the county of York, in trustees to be sold for the raising of a portion for Henrietta Tempest, an infant. The amendments, made by the Lords, were merely of a clerical and drafting nature. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 6 May 1702. L. J., XVII. 41, 118. 1 Anne c. 55 in Long Cal. See Com. Book. 12 March.]

Annexed:—

(a) 11 Feb. Petition of Alatheia Allanson, mother and guardian of Henrietta Susanna Tempest, an infant of about the age of sixteen years. The infant, as heir of the body and right heir of Sir



1701-1702.

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No. 1729.

Henry Cholmley, her great grandfather, is seised of divers scattered lands, &c., in Yorkshire, 150 miles distant from where she lives, and is thereby, in agencies and otherwise, put to very great expense. The sale of this remote estate and conversion of the proceeds into a portion will highly conduce to her advancement in marriage and procure a better marriage settlement, and all parties concerned consent; but owing to her minority this cannot be effected without an Act of Parliament. Prays leave that a Bill may be brought in for the purpose. *Signed* A. Allanson. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 33.

(b) 12 March. Paper of amendments made in the Select Committee this day. Com. Book.

1730. Feb. 20. Naturalization (Saint Leger De Bacalon, etc.) Act. —Amended Draft of an Act for naturalizing Thomas St. Leger de Bacalon, Joseph De Launay, Alexander De Raquet Desfourneaux and others. [Read 1<sup>a</sup> this day. Royal Assent 25 May 1702. L. J., XVII. 41, 149. 1 Anne c. 111 in Long Cal. See Com. Book 28 Feb., 2 and 3 March.]

Annexed:—

(a) 16 Feb. Petition of Thomas St. Leger [de Bacalon]\* and other French officers praying to be naturalized. They have served his Majesty during the late war in Flanders and elsewhere, but, as they were born out of his Majesty's allegiance, are not capable of doing any further service unto his Majesty unless they can be naturalized. Pray for an Act for their naturalization. *Signed* Thomas St. Leger de Bacalan, Alexander de Raquet Desfourneaux, Paul de Gualis [de Gally de la Gruelle], Joseph De Launay, James Trellebois, Henry Delalande, J. St. Christol [de Liverne], Peter de Franquefort, David de Montallieu Saintipolit, Paul Longchamp [de la Coude], John Constantin, John Belard, Jean Housset, James de Saubergue, Guy Tinguay, Lewis Benjamin D'Ollon [Dolon], François Delubieres [de Langes de Lobieres], John Port de Laroque, Anthoine Laroque, Isaac De Laigle [Laigle de Montmayeur], John James Colom, Paul Pre. Le Bas, Anthony Caillon, Laurence Boudet, John James Montledier, Elieser Minte, John George Schmiten, John Thomas, Louis de Boisrayon [Boyragon], Franc. de la Rochefoucaut [de la Rochefaucaut], John Bojer [Boyer], John Laborde, Isaac Bojer [Boyer], Danil Gamel, Elias Delpeuch, Amateur Bouhereau, Estienne Duport, Jacques de Leuze, Peter Dufoussat, Isaac Mauca, Henry Dabzac [Dabjac], Pr. Buor [Bour] De La Moriniere, Frederick Wm. de Roye de la Rochefoucaut, Paul Labastide Delon [de la Bastide Delon], Estienne Tessier, Pierre Ardesoif, Alexander Razigade. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 36. All the Petitioners were included in the Draft Bill with the exception of John Thomas, John Laborde, Jacques de Leuze and Isaac Mauca, who do not appear to have been naturalized by any of these Acts; Amateur Bouhereau, who was included in Benovad's Act, No. 1751, and Alexander Rasigade, who was added to the Bill by the Select Committee on 3 March when his

\* In these Petitions alternatives in the spelling of some of the names, which are found in the Act or in the Draft Bill, are inserted in square brackets.

Certificate was produced and proved. Com. Book. The 1701-1702.  
 Certificates of the others were produced and proved on 28 Feb.,  
 with the exception of that of Daniel Gamel which was produced  
 and proved on 2 March. Com. Book. All the Petitioners, No. 1730.  
 except those who have been already mentioned and Isaac de  
 Laigle [de Montmayeur] and Stephen Tessier, who were struck  
 out by the Select Committee (*see* note to No. (14) Annex (l), and  
 Peter Dufoussat, who was struck out by the Commons (*see*  
 No. (34) Annex (l)), were naturalized by this Act. For  
 Certificates, *see* Annex (l).

(b) 23 Feb. Petition of Zacharia Sedgwick, who was born beyond  
 the seas, but has lived in England for the space of eighteen years  
 past, during which time he has upon all occasions shown his  
 zeal for the Protestant religion in which he was educated and  
 the good of the Kingdom of England. Prays to be added to the  
 pending Naturalization Bill. *Signed* Zacharia Sedgwick, his  
 mark. *Endorsed* as read this day. *Ordered* as desired.  
 MS. Min. *See also* L. J., XVII. 43. Petitioner was added to  
 the Bill on 2 March, when his Certificate was produced and  
 proved. Com. Book. He was naturalized by this Act. For  
 Certificate, *see* Annex (l).

(c) 23 Feb. Petition of Daniel Brisac and six others. Petitioners  
 have served his Majesty ever since his happy accession and on  
 all occasions, according to their duty, ventured their lives for the  
 preservation of the Protestant religion. They are not capable of  
 doing any further service unless they are naturalized. Pray to  
 be added to the Naturalization Bill now pending. *Signed*  
 D. Brisac, John Francis Mousset, James Texier, Paul Fournieu  
 [Fournier], Stephen Brigaud, Anthony Vezian, Andrew Livardie  
 [Liverdie]. *Endorsed* as read this day. *Ordered* as desired.  
 L. J., XVII. 43. Petitioners, with the exception of Texier and  
 Brigaud who were naturalized by Benovad's Act, No. 1751, were  
 added to the Bill by the Select Committee on 2 and 3 March when  
 their Certificates were produced and proved. Com. Book. They  
 were naturalized by this Act. For Certificates, *see* Annex (l).

(d) 23 Feb. Petition of Daniel de Virasel and seven others.  
 The Petition is practically identical with the preceding ones.  
*Signed* Daniel de Virasel [Virazell], Moyse Laporte, Gabriel  
 Brocas, Isaac Bigot, John Lewis Ligonier, François Hubac  
 Lafabregue, Peter Lacoste, Paul Labilliere. *Endorsed* as read  
 this day. *Ordered* as desired. L. J., XVII. 43. Petitioners  
 were added to the Bill by the Select Committee on 2 March, when  
 their Certificates were produced and proved. Com. Book. They  
 were naturalized by this Act. For Certificates, *see* Annex (l).

(e) 23 Feb. Petition of Benjamin Marchais and five others. The  
 Petition is practically identical with the preceding ones.  
*Signed* Biniamin Marchais, Daniel Papon, Peter D'Aniel  
 [Daniel], Gabriel De la Primandaye [Delaprimanday], John  
 Brugier. *Endorsed* as read this day. *Ordered* as desired.  
 MS. Min. L. J., XVII. 43. Marchais and Bruguier were added  
 to the Bill by the Select Committee on 3 March, when their  
 Certificates were produced and proved. Com. Book. They were  
 naturalized by this Act. For Certificates, *see* Annex (l).  
 Papon, D'Aniel and De la Primandaye were naturalized by  
 Benovad's Act, No. 1751.

(f) 24 Feb. Petition of Peter Mason and nine others. The  
 Petition is practically identical with the preceding ones.



[1701-1702.

—  
No. 1730.

*Signed* David Bonnet, James Galine, Peter Bezard, Peter Cabibel, Daniel Fourestier, Thomas Le Heup, Peter Mason, Pierre Landreau. *Endorsed* as read this day. *Ordered* [as desired]. L. J., XVII. 45. Cabibel was added to the Bill by the Select Committee on 3 March, when his Certificate was produced and proved. He was naturalized by this Act. For Certificate, *see* Annex (*l*). The others, with the exception of Benjamin Le Roy and John Labore whose names appear on the Petition, but who did not sign it, and who do not appear to have been naturalized by any of these Acts, were naturalized by Benovad's Act, No. 1751.

- (*g*) 25 Feb. Petition of Gabriel De la Haye and two other French Protestants. Petitioners were forced out of their native country on account of their religion and have lived in England for several years. They wish to be qualified to serve in his Majesty's forces at this juncture. Pray to be naturalized in the Bill now depending. *Signed* G. De la Haye, Lewis Grolleau, James Philipe Moreau. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. Grolleau was added to the Bill by the Select Committee on 3 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*l*). De La Haye and Moreau were included in Benovad's Bill, but the latter was struck out by the Commons for not paying his fees. C. J., XIII. 902, 904.
- (*h*) 25 Feb. Petition of William Matthysen and two others. The Petition is practically identical with the preceding one, except that the Petitioners do not evince any desire to serve in his Majesty's forces. *Signed* Wm. Matthysen, Frederik Bodisco, Christian Bockholt. *Endorsed* as read this day. MS. Min. No entry in L. J. Bockholt was added to the Bill by the Select Committee on 3 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (*l*). The other two Petitioners were naturalized by Van Ryssen's Act, which received the Royal Assent on 25 May 1702. L. J., XVII. 149. They had previously been included in Benovad's Bill, from which they were struck out by the Commons. C. J., XIII. 902.
- (*i*) 3 March. Paper of amendments made in the Select Committee on 28 Feb. and 2 and 3 March, which were ordered to be reported this day. Com. Book.
- (*j*) 3 March. Paper, marked A, for insertion on the paper of amendments (Annex (*i*)). It contains the names of the persons added to the Bill by the Select Committee on 2 March, as well as those of Rasigade and Bockholt who, according to the Com. Book were added on 3 March. This paper and the paper (Annex (*k*)), which follows, formed part of the amendments which were reported from the Select Committee this day.
- (*k*) 3 March. Paper, marked B, containing the names of persons added to the Bill this day, except those of Rasigade and Bockholt. *See* Annex (*j*).
- (*l*) 28 Feb.  
18 May. Certificates that the following persons received the Sacrament according to the usage of the Church of England, viz. :—
- (1) Thomas St. Leger De Bacalan [Bacalon in Act], on 15 Feb. 1701-2, at the Parish Church of St. Martin's-in-the-fields,

Westminster. *Signed* Tho. Yates, Minister, Isa Godfrey, Churchwarden. *Dated* eod. die. *Attested* by Alexander De Raquet and Joseph D'Launay.

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(2) Joseph Launay [de Launay in Act]. *Attested* by Thomas St. Leger [Bacalan] and Alexander de Raquet. Rest as in (1).

(3) Alexander De Raquet Desfourneaux. *Attested* by Thomas St. Leger and Joseph D'Launay. Rest as in (1).

(4) Laurence Boudet. *Attested* by Anthony Caillon and David de Montalieu St. ypolitte [Saint-ipolit]. Rest as in (1).

(5) [James Trelbois.]

(6) Paul de Gally [Paul de Gally de la Gruelle in Act], on 22 Feb. 1701-2. *Attested* by Gabriel Brocas and John Lewis Ligonier [Lewis de Ligonier]. Rest as in (1).

(7) Paul Labastide Delon [de la Bastide Delon in Act]. *Signed* Ro. Grisedale, Minister. *Attested* by John Belard and James St. Christol [Chrestol]. Rest as in (1).

(8) Henry Delalande [de la Lande in Act]. *Attested* by James Trellebois and James Saubergue. Rest as in (1).

(9) James St. Chrestol [St. Christol de Liverne in Act]. *Attested* by Paul Longchamp and Paul Labastide Delon. Rest as in (7).

(10.) Peter Franquefort. *Attested* by James Saubergue and James Trellebois. Rest as in (1).

(11) Peter Ardesoif, on 22 Feb. 1701-2. *Attested* by David Pain and Paul Fournier. Rest as in (1).

(12) David Demontalieu Saintipolit [de Montalieu in Act]. *Attested* by Anthony Caillon and Lawrence Boudet. Rest as in (7).

(13) Paul Langchamp [Longchamp de la Coude in Act]. *Attested* by James St. Christol and Paul La Bastide Delon. Rest as in (7).

(14) \*John Constantine [Constantin in Act]. *Attested* by Louis Boiragon and Louis Benjamin D'Ollon. Rest as in (7).

(15) Frederick William De La Roche Foucaut [de Roye de la Rochefoucaut in Act], on 22 Feb. 1701-2. *Attested* by Thomas St. Leger de Bacalan and Alexander de Raquet Desfourneaux. Rest as in (1).

(16) Stephen Du Port [Duport in Act], on 22 Feb. *Attested* by Isaac Laigle De Montmayeur and Peter Cabibel. Rest as in (1).

(17) Ephraim Falaise, on 22 Feb. *Attested* by John James Colom and John Brunel. Rest as in (1).

(18) Stephen Tempié [Tempier in Act], on 22 Feb. *Attested* by Peter Pinet and Peter Martin. Rest as in (1).

(19) John Belard. *Attested* by James St. Christol and Paul Labastide Delon. Rest as in (7).

(20) John Housset. *Attested* by Guy T'inguy and Peter La Moriniere. Rest as in (1).

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\* John Constantine, John George Schmiten, Stephen Tessier and Isaac de Laigle were marked, as not having paid their fees on 28 Feb. Com. Book. E. Feversham undertook for the fees of the first of these, and Schmiten must have paid his fees before the Bill was reported on 4 March. L. J., XVII. 56. Tessier and de Laigle were struck out of the Bill, presumably for not having paid their fees.



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- (21) James Saubergue [De Saubergue in Act]. *Attested* by Henry Delalande and James Trellebois. Rest as in (1).
- (22) John De Baillehache, on 22 Feb. 1701-2. *Attested* by Elieser Minte and John George Schmiten. Rest as in (7).
- (23) Guy Tinguy. *Attested* by John Housset and Peter La Moriniere. Rest as in (1).
- (24) Lewis Benjamin Dolton [Dolon in Act]. *Attested* by Francis Delanges Lubieres and Louis de Boisragon. Rest as in (7).
- (25) Francis De Langes Lubieres [de Langes de Lobieres in Act]. *Attested* by Louis de Boisragon and Louis Benjamin D'Ollon [Dolton]. Rest as in (7).
- (26) John James Colom, on 22 Feb. 1701-2. *Attested* by Ephraim Falaise and John Brunel. Rest as in (1).
- (27) Anthony Laroque [de la Roque in Act]. *Attested* by John Porte De Laroque and John Boyer. Rest as in (1).
- (28) Eliezar Minte, on 22 Feb. 1701-2. *Attested* by John George Schmiten and John de Baillehache. Rest as in (7).
- (29) John George Schmiten, on 22 Feb. 1701-2. *Attested* by Eliezar Minte and Paul Peter Les Bas [Labas]. Rest as in (1).
- (30) [John Lamirandole.]
- (31) David Pain, on 22 Feb. 1701-2. *Attested* by Peter Ardesoif and Paul Fournier. Rest as in (1).
- (32) Peter Buor La Moriniere [Bour de la Moriniere in Act]. *Attested* by Guy Tinguy and John Housset. Rest as in (1).
- (33) \*Isaac Paiferie. *Attested* by Peter Dufoussat and Henry Dabzac. Rest as in (7).
- (34) \*Peter Dufoussat. *Attested* by Isaac Paiferie and Henry Dabzac. Rest as in (7).
- (35) Henry Dabzac [Dabjac in Act]. *Attested* by Isaac Paiferie and Peter Dufoussat. Rest as in (7).
- (36) Anthony Caillon. *Attested* by David Montalieu St. Ypolitte and Lawrence Boudet. Rest as in (1).
- (37) Lewis De Boisragon [de Boyragon]. *Attested* by Francis Delanges Lubieres and Louis Benjamin D'Ollon. Rest as in (7).
- (38) Peter Martin, on 22 Feb. 1701-2. *Attested* by Stephen Tempié and Peter Pinet. Rest as in (1).
- (39) Peter Pineau, on 22 Feb. 1701-2. *Attested* by James Galine, by his mark, and David Bonnet. Rest as in (1).
- (40) Charles Legge [Legg in Act], on 22 Feb. 1701-2. *Attested* by Daniel Brisac and William Forster. Rest as in (1).
- (41) Peter Pinet [Pinnet in Act], on 22 Feb. 1701-2. *Attested* by Peter Martin and Stephen Tempié. Rest as in (1).
- (42) John Boyer. *Attested* by Anthony Laroque and John Porte de Laroque. Rest as in (1).
- (43) John Brunel [Branelt in Act], on 22 Feb. 1701-2. *Attested* by John James Colom and Ephraim Falaise. Rest as in (1).
- (44) Isaac Boyer. Rest as in (42).
- (45) Gabriel la Port [Laporte in Act], on 22 Feb. 1701-2. *Attested* by Peter Pinet and Jean Jaques De La Corbiere [Delacorbiere]. Rest as in (1).

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\* This name was struck out of the Bill by the Commons. C. J., XIII. 896.

(46) Daniel Gamel, on 1 March 1701-2. *Attested* by Benjamin de Malide and Francis Joly de Ternac. Rest as in (1). 1701-1702.  
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(47) Elias Delpuch. *Attested* by Anthony Caillon and David de Montalieu Ypolitte. Rest as in (1).

(48) Francis de la Rochefoucaut. *Attested* by Thomas St. Leger [Bacalon] and Paul Le Bas [Lebas]. Rest as in (7).

(49) Abraham Vanderhagen, on 22 Feb. 1701-2. *Attested* by John Boyer and Isaac Boyer. Rest as in (1).

(50) John Porte De Laroque [Port Laroque in Act]. *Attested* by Anthony Laroque and John Boyer. Rest as in (1).

(51) Jean Jaques De la Corbiere [Corbiere in Act], on 22 Feb. 1701-2. *Attested* by G. Laporte and Jean Boulaire De l'Amirandolle [de Lamirandolle]. Rest as in (1).

(52) Paul Peter le Bas. *Attested* by Francis de la Rochefoucaut and Thomas St. Leger [Bacalon]. Rest as in (1).

(53) [John James Montledier.]

[The above persons were in the Draft Bill. The Certificates of James Trelbois, John Lamirandole and John James Montledier are missing. Laigle De Montmayeur and Stephen Teissier were also in the Draft Bill, but were struck out by the Select Committee on 2 March, for not having paid their fees. Com. Book.]

[The following persons were added to the Bill by the Select Committee on 3 March. Com. Book. Francis Hubac Lafabregue was also added to the Bill, but his Certificate is missing.]

(54) Daniel Brisac, on 22 Feb. 1701-2. *Attested* by Charles Legge and William Forster. Rest as in (1).

(55) Zachariah Sedgaick [Sedgwick in Act], on 22 Feb. 1701-2. *Attested* by Thomas Lediard and James Eales. Rest as in (1).

(56) Daniel du Virasel [de Virazel in Act], on 22 Feb. 1701-2. *Attested* by Gabriel Brocas and Paul Labillière. Rest as in (1).

(57) Moses la Porte [Laporte in Act], on 22 Feb. 1701-2. *Attested* by John James Montledier [Montlediere] and John Lewis Ligonier. Rest as in (1).

(58) Gabriel Brocas, on 22 Feb. 1701-2. *Attested* by Daniel de Virasel and Paul Labilliere. Rest as in (1).

(59) Isaac Bigot, on 22 Feb. 1701-2. Rest as in (57).

(60) John Lewis Ligonier [Legonier in Act], on 22 Feb. 1701-2. *Attested* by John James Montledier [Montlediere] and Moses Laporte [la Porte]. Rest as in (1).

(61) Paul Labilliere, on 22 Feb. 1701-2. *Attested* by Peter Lacoste and Francis Hubac Lafabregue [Lafabregue]. Rest as in (1).

(62) Peter Lacoste, on 22 Feb. 1701-2. *Attested* by Paul Labilliere and Francis Hubac Lafabregue. Rest as in (1).

(63) [Francis Hubac Lafabregue.]

(64) Andrew Livardie, on 22 Feb. 1701-2. *Attested* by G. Laporte and Jean Jaques De La Corbiere. Rest as in (1).

(65) Paul Fournier, on 22 Feb. 1701-2. *Attested* by Peter Ardesoif and David Pain. Rest as in (1).

(66) Jean François Mousset, on 22 Feb. 1701-2. *Attested* by James Philipe Moreau and Peter D'Anniel [Daniel]. Rest as in (1).



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(67) Alexander Rasigade, on 1 March 1701-2, at the Parish Church of St. Anne's, Westminster. *Signed* Will. Hodges, Minister, Geo. Hughes, Churchwarden. *Dated* eod. die. *Attested* by Joseph Grace and Richard Browne.

(68) Christian Booxholt [Bockholt in Act], on 1 March 1701-2, received the Sacrament, according to the usage of the Protestant Church, at the German Lutheran Church in the Savoy. *Signed* Irenaeus Crusius, Minister, John Keilman, Churchwarden. *Dated* eod. die. *Attested* by Luke Sanders and John Bonner.

(69) Benjamin Marsais [Merchais in Act], on 22 Feb. 1701-2. *Attested* by Daniel Papon and Peter D'Aniel [Daniel]. Rest as in (1).

(70) Peter Cabibel, on 22 Feb. 1701-2. *Attested* by Stephen Duport and Isaac Laigle de Montmayeur. Rest as in (1).

(71) Lewis Grolleau, on 22 Feb. 1701-2. *Attested* by Gabriel de la Primandaye and James Philipe Moreau. Rest as in (1).

(72) Anthony Vezian, on 22 Feb. 1701-2. *Attested* by Peter Ducrot [Ducros] and John Bruguier. Rest as in (1).

(73) John Bruguier, on 22 Feb. 1702-1. *Attested* by Peter Ducrot and Anthony Vezian. Rest as in (1).

[The following persons were added to the Bill by the Commons. C. J., XIII. 896. Louis Pasquereau was also added to the Bill, but his Certificate is missing.]

Charles de Lapointelle [Lepointelle in Act], on 29 March 1702. *Attested* by Pierre de Maigron and John Chaigneau. Rest as in (7).

Pierre de Maigron, on 29 March 1702. *Attested* by Charles Lapointelle and John Chaigneau. Rest as in (7).

Albert le Blank [Le Blanc in Act], on 29 March 1702. *Attested* by Abel De Castelfranc [de Castlefrank] and Abraham Bruniquel. Rest as in (7).

Abel Castelfranc [de Castelfranc in Act], on 15 March 1701-2. *Attested* by John Champfleury and Abraham Bruniquel [Bourniquel]. Rest as in (7).

John Chamfleury [de Champflury in Act], on 15 March 1701-2. *Attested* by Abel Castelfranc and Abraham Bruniquel. Rest as in (7).

Henry Foubert [de Foubert in Act], on 29 March 1702, at the Parish Church of St. James's, Westminster. *Signed* Will. Wake, Minister, Tho. Causey, Churchwarden. *Dated* eod. die. *Attested* by William Simonds and Richard Smart.

David Francis Gaudot [Goudot in Act], on 15 March 1701-2. *Attested* by Taneguy Le Fèvre and Isaiah Renaudet. Rest as in (1).

John Espinasse De Fonvive, on 12 April 1702. *Attested* by Charles Timothy Baignoux and Eelie Negre. Rest as in (1).

Stephen de Gulhon [Desgulhon in Act], on 1 March 1701-2. *Attested* by Marc Anthony Valogne and Francis Joly de Ternac. Rest as in (1).

Lewis de la Coude, on 15 March 1701-2. *Attested* by Abel Castelfranc and Abraham Bruniquel. Rest as in (7).

Philip Rose, on 1 March 1701-2. *Attested* by Louis Pau, John Gaile and Jacob Aceré. Rest as in (1).

Abraham Bruniquel, on 15 March 1701-2. *Attested* by Abel Castelfranc and Louis de la Coude. Rest as in (7).

1731. Feb. 21. Powell's Estate (Williams) Act.—Amended Draft of an Act for vesting in trustees the estate late of Sir William Powell, Bart., deceased, for raising portions for the younger children of Sir Jno. Williams and Dame Mary, his wife, (daughter of the said Sir William Powell), and to enable William Williams, their eldest son, to make a jointure to such wife as he shall marry. The Lords' amendments were merely of a clerical and drafting nature. The Commons, besides two drafting amendments, substituted the words, six poor men and twelve poor women, for the words, twelve poor men and six poor women, in the clause before the general saving clause. C. J., XIII. 850. [Read 1<sup>a</sup> this day. Royal Assent 6 May 1702. L. J., XVII. 42, 118. 1 Anne c. 50 in Long Cal. See Com. Book 12 March.]

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No. 1731.

Annexed :—

(a) 19 Feb. Petition of Sir John Williams, Knt., and Dame Mary, his wife. Sir William Hinson, *alias* Powell, Bart., devised by Will all his lands, &c., in Middlesex, Hereford and elsewhere, with some exceptions, to the life rent use of Petitioner Dame Mary, and afterwards to her male issue in tail male, with remainder to her daughters, with power to Dame Mary, if she survived Sir John and married again, to settle lands worth 200*l.* a year on her second husband, (which power she is willing to relinquish), and with power to any tenant in tail to settle lands for a jointure for his wife. By the marriage settlement the trustees were empowered to make yearly payments to the younger children and raise 3,000*l.* for their education and portions. William Williams, Esq., is the only surviving issue male of Petitioners, and there are four daughters; but the son, being under age, cannot make a jointure, neither can Sir John, during Dame Mary's lifetime, charge the estate with daughters' portions. Pray leave that a Bill may be brought in for those purposes. *Signed* by both Petitioners. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 39.

(b) 12 March. Paper of amendments made in the Select Committee this day. Com. Book.

1732. Feb. 21. Naturalization (Charlotte Boscawen) Act.—Certificate that Charlotte Boscawen, on 8 Feb. 1701-2, received the Sacrament according to the usage of the Church of England, in the Parish Church of Farnham Royal, Bucks. *Signed* Charles Hickman, Minister, Wm. Jones, Will. Bass, by his mark, Churchwardens. *Dated* eod. die. *Attested* by Hugh Boscawen and Samuel Trefusis. [Produced and proved this day before the Select Committee. Com. Book. The Bill was brought from the Commons on 17 Feb. Royal Assent 2 March. L. J., XVII. 37, 53. 14 Will. III. c. 5 in Long Cal.]

1733. Feb. 23. Kinsey v. Hayward (In Error).—Writ of Error and Transcript of Record brought in this day. L. J., XVII. 44. Mary Kinsey, widow, administratrix of Sir Thomas Kinsey, Knt., her late husband, who died intestate, sued Henry Hayward, late of Southwark, carpenter, executor of John Hayward, for 50*l.* owed by the said John Hayward to her late husband. Henry Hayward refused to pay on the ground that John Hayward had not accepted an original writ within six years before the demand. Petitioner rejoined that she ought not to be precluded thereby. She obtained 75*l.* damages, and 21*l.* costs in the Common Pleas, but the Judgment was reversed in King's Bench on appeal, and she brought a Writ of Error to the House of Lords. Her



- 1701-1702. suggestion of Error, brought in on 2 March, is appended, as is also  
 — Hayward's replication. *Parchment Collection*. [At the Hearing on  
 No. 1733. 29 April *Mr. Serjeant Hooke* and *Mr. Phipps*, for the Plaintiff,  
 contended that the debt was just and that a proper course had  
 been followed. They quoted Jones 417, Finch and Lamb's Case.  
*Mr. Dodd*, for the Defendant: This demand is set up 8 or 9 years  
 after the death of the testator, and it is reasonable in this case to set up  
 the Statute of Limitations. The Writ is determined and the cause of  
 action. *Mr. Montagu* was also heard for the Defendant to the same  
 effect. *Moved* to hear the Judges of King's Bench, Common Pleas  
 and Exchequer on 1 May. MS. Min. On 1 May the *Lord Keeper*  
 reported what had been offered by Counsel. *Mr. Justice Powell*, for  
 all the Judges of the Common Pleas: In all personal actions there is  
 a *clausum fregit* taken out. A *clausum fregit* is a local action.  
 When we have an appearance we sue out an original. It was told us  
 they differ in the King's Bench from us. *L. C. Justice King's Bench*:  
 I could not avoid reversing this. This set aside the Statute of Limi-  
 tations. This is the first Judgment given in the Common Pleas in such  
 a case. This must be intended to be discontinued. *L. C. Baron*: The  
 question appears to be a novelty to me. It does not say this was  
 delivered to the sheriff. What jurisdiction had the Common Pleas in  
 this case? Then the Judgment of the King's Bench was affirmed.  
 MS. Min. L. J., XVII. 111.]

1734. Feb. 23. *Palmes v. Lane* (In Error).—Writ of Error and  
 Transcript of Record brought in this day. L. J., XVII. 44. Henry  
 Lane sued Thomas Meredith and Stephen Palmes, in the custody of the  
 Marshal of the Marshalsea, for the unlawful possession of a gelding and  
 some bridles, saddles and other harness, his property, to the value of  
 100*l.*, and was awarded costs and damages against Palmes amounting  
 to 24*l.*, Meredith being acquitted. Palmes appealed to the Exchequer  
 Chamber, and the Judgment was affirmed with 9*l.* costs. He then  
 brought his Writ of Error to the House of Lords. The suggestion of  
 Error and issue joined are appended to the Judgment Roll. *Parchment*  
*Collection*. [The Cause was never heard.]

1735. Feb. 23. Security of the King's Person, &c., [H.C.] Act  
 (Abjuration Bill).—Paper of amendments, made by the Lords, to the  
 Bill for the further security of his Majesty's Person and the succession  
 of the Crown in the Protestant line, and for extinguishing the  
 hopes of the pretended Prince of Wales and all other pretenders  
 and their open and secret abettors. The Bill, as amended, was  
 reported from C. W. H. this day. These amendments are set out  
*in extenso* in C. J., XIII. 774, with the substitution of the word,  
 time, for the word, term, in the first amendment. [The Bill was brought  
 from the Commons and read 1<sup>a</sup> on 20 Feb. L. J., XVII. 41. On  
 21 Feb. it was read 2<sup>a</sup> and committed to C. W. H. A debate arose,  
 Whether a Bill should be offered for imposing an oath on the Peers to  
 deprive them from sitting in Parliament? The Protest in Journal 1675  
 was read out of the Journals by E. Nottingham. 30 April 1675,  
 Order out of the Roll [of] Standing Orders read. *Moved* to give  
 instructions to Committee that the Bill be altered in this particular,  
 that no oath shall be offered to deprive a Peer from sitting in Parlia-  
 ment. After Debate, the *Question* was put. See L. J., XVII. 43.  
*Resolved* in the negative. Contents 25, Not Contents 46: Tellers,  
 E. Radnor, E. Warrington. The second proposal, to make the oath  
 voluntary, was also negatived. Contents 33, Not Contents 39: The

same Tellers. *Proposed* to go into the Committee presently. After debate, *Proposed* that the House be put into a Committee on this Bill on Monday next. *Ordered* accordingly for Monday next, precisely at 12 o'clock, and Lords summoned, and the Bill for Mutineers and Deserters to be read 3<sup>a</sup> on Monday next. MS. Min. L. J., XVII. 43.

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On 23 Feb., in C. W. H., Bishop of Sarum in the Chair, after the title and preamble had been postponed, the first enacting clause was read. 3 Sk., l. 5, 6, *Proposed* these words be left out, viz.: or elsewhere. After debate, *On Question*, Whether these words shall stand part of the Bill? *Resolved* in the affirmative. Then the clause was agreed to with the first of the above amendments. The next enacting clause was read, in which is the oath. After debate, another oath was offered to be instead of the oath in the Bill. After debate, *Proposed* to add these words to the oath, viz.: and all treasons that I have known. 4 Sk., l. 8, after the word, I, insert the words, have known or [shall know to have been]\*, and instead of the word, be, read the words, to have been. The *Question* was put. The Lords desisted from this proposition. *Proposed* to add to this oath the words, the Government by King, Lords and Commons, as by law established. After debate, *On Question*, Whether these words shall be added to the Bill, viz.: and I will to the utmost of my power support, maintain and defend the Constitution and Government of this Realm in King, Lords and Commons, as it is by law established. *Resolved* in the negative. Contents 17, Not Contents 54: Tellers, E. Radnor, E. Winchilsea. *Proposed* to add these words, I do swear that I will to the utmost of my power support and defend the Church of England as by law established in Episcopacy. *On Question*, Whether these words, with the addition of the words, with the toleration to dissenters, shall be made part of the oath? *Moved* to leave out the last words, with the toleration to dissenters. After debate, *On Question*, Whether the last words shall stand part of the Question? *Resolved* in the affirmative. Then the whole *Question* was put. *Resolved* in the negative. Then the oath in the Bill was agreed to, *On Question*. Candles were called in. The next clause was read and agreed to. The next clause, concerning officers taking the oath, &c., read, and Paper A (Annex (b)) was added after the word, recusants in 5 Sk., l. 28, (secnd amendment above) and the other clauses to 7 Sk., l. 4. were read. *Agreed to*. The next clause, concerning Peers, read. After debate, *On Question*, Whether the words in this clause that relate to incapacitate the Peers shall stand in the Bill? *Resolved* in the affirmative. *Agreed* this clause to stand part of the Bill. The next clause was read. *Agreed to*. 8 Sk., l. 17, after the word, lie, a clause was offered relating to hereditary offices (Annex (c)) and read. After debate, the clause was amended (third amendment above). *Agreed to*. The next clause, about recording the refusal of this oath, was read. *Agreed to*. The next clause, for exempting some offices from taking this oath, was read. *Agreed to*. The next clause, relating to the Princess of Denmark, and also the last clause were read. *Agreed to*. *Moved* that a clause be added that, if a clergyman refuse this oath, he may receive the profits of the year. 9 Sk., l. 7, after the word, having, add the word, only, (fourth amendment above). The *Question* was put that those who forfeit by the first of August may hold until 1st December their livings, and a clause to be added for this purpose. *Resolved* in the negative.

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\* The words in square brackets are expunged.



1701-1702. Contents 15, Not Contents 35: Tellers, L. Guilford, L. Ossulston. Then the preamble and title were read. *Agreed to.* The Bishop of Salisbury reported the Bill with some amendments. *Moved* that all the Peers be summoned before the Third Reading of this Bill. After debate, the *Question* was put, and the Third Reading was appointed for the following day at 1 o'clock, and all the Lords were summoned to attend. MS. Min. L. J., XVII. 44.

On 24 Feb. the Bill was read 3<sup>a</sup> and passed, after debate, *On Question*, with a Protest,\* and returned to the Commons. *Ib.* 45. On 3 March, the Protest having previously been ordered to be considered, it was read. After long debate, *Proposed* that the first Reason in the Protestation be expunged. *On Question?* *Resolved* in the affirmative. Contents 27, Not Contents 17: Tellers not recorded. The second Reason was agreed to stand, after debate. The third Reason was read and, after debate, the *Question* was proposed, Whether the whole Reason shall be expunged? Amendment proposed. Then the Debate, *On Question*, was adjourned to the following day. On 4 March the Order for resuming the debate being read, *Proposed* to adjourn the House. After debate, *On Question*, Whether the House shall be now adjourned? *Resolved* in the affirmative. Contents 25, Not Contents 17: Tellers not recorded. MS. Min. L. J., XVII. 55, 57. The Bill was returned from the Commons on 6 March with an amendment, which was agreed to. Royal Assent 7 March. 13 & 14 Will. III. c. 6. L. J., XVII. 59, 62. Fol. Ed.]

Annexed:—

- (a) 23 Feb. Draft of the first and last of above amendments.
- (b) 23 Feb. Paper, marked A, containing Draft of the second of the Lords' amendments above.
- (c) 23 Feb. Draft of Proviso, marked B, the third of the Lords' amendments above.
- (d) 6 March. Copy of the above amendments, made by the Lords, with the Commons' Resolutions of 3 March, C. J., XIII. 774, marked thereon, sent up with the Bill this day. L. J., XVII. 59. *Endorsed* Amendments to the Abjuration Bill.
- (e) 6 March. Commons' amendment on 3 March to the second of the Lords' amendments above. C. J., XIII. 774. *In extenso.* Sent up with the Bill this day. L. J., XVII. 59.

1736. Feb. 25. Bishop of Gloucester's Estate Act.—Amended Draft of an Act to enable the Bishop of Gloucester and his successors to make distinct and separate leases of the manors, lands and premises therein mentioned. The Lords, in addition to some merely drafting and clerical amendments, inserted the rents reserved to the Bishop, and added the clause, declaring void leases which did not reserve the full yearly rent of 38*l.* to the Bishop in place of a clause which proposed to make him forfeit a sum to the lessee in such cases. They also inserted the proviso, denying the Bishop any other power to make leases, in place of a proviso which had merely denied him the power to make reversionary leases or leases not impeachable for waste. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 25 May. L. J., XVII. 47, 149. 1 Anne c. 76 in Long Cal. See Com. Book 13 March.]

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\* The Protest was signed by nine Peers. See *Protests of the Lords*, edited by James E. Thorold Rogers. Vol. 1, pp. 161-3.

Annexed :—

1701-1702.

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No. 1736.

(a) 23 Feb. Petition of Edward, Lord Bishop of Gloucester.

Several lands, &c., are held accustomedly of Petitioner by joint and entire leases. Some difficulties have arisen as to whether he can demise them by separate and distinct leases, reserving as much rent as the ancient rents amount to. The want of power to do this is a prejudice to the bishopric and to the tenants, who, if they held by distinct leases, would renew more often and give better fines for putting in their own and their relations' lives than strangers. Prays leave to bring in a Bill to give him the desired powers. *Signed* Edw. Gloucester. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 44.

(b) 13 March. Paper of amendments made in the Select Committee this day. Com. Book.

1737. Feb. 25. Ettrick's Estate Act.—Amended\* Draft of an Act for vesting certain [lands] *messuages and tenements* in the counties of Bedford, [Hertford] and Middlesex in trustees to be sold and for purchasing [other] lands *or rents* [of a greater yearly value] to be settled to the same uses. The amendments made in the Select Committee, on commitment and recommitment, were to insert the names of the trustees; to leave out all mention of the moiety of the manor of Barnes, in Durham, belonging to John Jenkins, Esq., deceased, which was contiguous to Ettrick's moiety, and which, being for sale, was proposed to be purchased to replace the property of less yearly value proposed to be sold, leaving the trustees free to purchase such lands or rents as they shall think fit; to leave out of the estate to be sold the manor of Hayes, in Stopsley, and other property, including Tinkershall and part of Chiltern Green and Dollay Land, Lamars farmhouse, Bray's Close and Bray's Wood, and part of Darly and Howfield, all in the parish of Luton, in the counties of Bedford and Hertford, restricting the property in Luton to be sold to the two messuages called Lamars or the Crosse house; to add the clause providing for the maintenance and education of Ettrick's daughter Elizabeth; and to add to the clause making the property to be purchased liable to actions, &c., the rest of the property devised by Sir Samuel Starling. There were also some further amendments of a drafting nature. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. L. J., XVII. 46. On 14 March, in the Select Committee, E. Scarbrough in the Chair, *Mr. Ettrick* said the estate proposed to be settled in lieu of the estate to be sold, was 12*l.* per annum more than the latter; that 48*l.* of the estate to be sold was in ruinous houses, which he was not by law obliged to repair; that the estate during his life was liable to his debts; and that he was willing to be bound to any annual sum the Committee should think fit for his daughter's education, whereas now he was at liberty what he would allow her. On 19 March, E. Warrington in the Chair, *Elizabeth Starling* said her son Ettrick was at great charge with her daughter, his wife, before marriage, for her maintenance and education; she thought about 600*l.* or 700*l.*; and she knew he laid out 100*l.* in clothes for her. Her daughter had no other fortune than this estate. After evidence as to Ettrick's debts, *Samuel Starling*† gave his consent and that of his son to the Bill. The Bill was ordered to be reported with some amendments. Com. Book. On 20 March, on Report, the Bill was recommitted after debate, with an Instruction to the Committee

\* Additions in italics, omissions in square brackets.

† See House of Lords MSS., Vol. III. (New Series), No. 1261.



- 1701-1702. to consider that the trustees for selling one and buying the other [should see that] the whole money be laid out; and that by this Bill nothing shall be sold but the old houses. MS. Min. L. J., XVII. 77.
- No. 1737. On 21 March, in Select Committee on recommitment, D. Bolton in the Chair, after debate, on *Question*, Whether the whole estate mentioned in the Bill shall be sold? Contents 5, Not Contents 6. *Agreed* that the two houses in Luton, in Bedfordshire, and the houses in Middlesex be sold, and that 500*l.* of the money raised by their sale be allowed to Mr. Ettrick, he settling an annuity of 50*l.* per annum on his daughter for his life; the remainder of the purchase money to be laid out for the use of his daughter after his death. The Bill to be made agreeable thereto. On 25 March the amendments described above were made. Com. Book. There were no amendments in the Commons. The Bill received the Royal Assent on 6 May 1702. L. J., XVII. 118. 1 Anne c. 51 in Long Cal.]

Annexed:—

(a) 21 Feb. Petition of Anthony Ettrick, Gent., on behalf of himself and his daughter Elizabeth Ettrick, an infant. Petitioner is seised for life, as tenant by the courtesy, of lands in the counties of Bedford, Hertford and Middlesex, the estate of his late wife, the reversion being vested in Elizabeth Ettrick and her heirs. The houses on the Bedfordshire lands are very ruinous, and most of the Middlesex estate consists of old houses at small rents which are also very ruinous. The Petitioner lives remote from them and is put to great trouble and charge in managing them. Petitioner's paternal estate is a moiety of the manor of Barnes, in the county of Durham, the other moiety of which, worth more than his wife's estate, is now for sale. It would be for the benefit of Petitioner and his daughter to sell the wife's estate and buy the other moiety of Barnes, settling it to the same uses. Prays leave to bring in a Bill for the purpose. *Signed* Antho. Ettricke. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 42.

(b)  $\frac{19}{25}$  March. Paper of amendments made in the Select Committee on these days. Com. Book.

(c)  $\frac{19}{25}$  March. Draft of a clause for the maintenance and education of Elizabeth Ettrick, added by the Select Committee on 19 March and amended on 26 March. Com. Book.

1738. Feb. 25. *Firebrace v. Moore*.\*—Petition and Appeal of Sir Basil Firebrace, Knt. and Bart. The East India Company in 1695 brought a Bill in Chancery against Sir Thomas Cooke and made Appellant a party. The case was depending for several years, and caused great dissension amongst the adventurers. The matters in difference were referred to Respondent and others to be settled. Respondent induced Appellant to sign a contract reciting that Appellant had, at the request of James Craggs, advanced 2,520*l.* for the purchase of 6,000*l.* stock in the Company, and that the stock was to continue in Appellant's name till Craggs should pay 2,520*l.* when it was to be transferred. An express condition was that the Company should within a month dismiss their bill and execute a general release to Appellant. As this was not done, the contract was void. Respondent,

\* See Reports of Cases in Parliament, by Richard Colles, pp. 188-191.

however, brought his Bill in Chancery for performance of the Contract in specie. The Lord Keeper decreed that Appellant should transfer 6,000*l.* stock to Respondent and allow him 10 per cent. dividend, that Respondent should pay the residue of the purchase money with interest and that Appellant should pay Respondent his costs. Appeals against the Decree as the contract had been in the nature of a stock-jobbing bargain and the recital, as to the advance made by the Appellant, was entirely fictitious. *Signed* by Appellant. *Countersigned* Jo. Hawles, Wm. Whitelocke. L. J., XVII. 47.

[At the Hearing on 12 March, no Counsel attending for Respondent, *Ordered* that they be reprimanded which was done. *Mr. Solicitor*, for the Appellant: This Decree is erroneous in two particulars: first, there was no consideration for this contract, and that in Equity cannot be good; secondly, the contract is defective in point of law; therefore they come into Equity to have a specific performance. Mr. Moore is to get 3,000*l.* clear. *Sir Joseph Jekyll*, on the same side: There is no reason to say a Court of Equity ought to interpose in this case. Mr. Moore, they say, is without remedy at law. I hope we may not suffer upon Mr. Moore's default. They read depositions and the contract. *Mr. Cooper*, for the Respondent: You will wonder what made Sir Basil come to show your Lordships his Cause. This is like the Cause of ——— and Seignoret\* and your Lordships would not assist in it. This is quite [of a] different nature and by the agreement they have read show [s] this no such thing. This is a complete absolute agreement without anything but a year's time for payment given. It is a certain quantity of stock sold and the certain [amount] was the stock left in hand. *Sir Thomas Powys*: We shall read some things in Sir Basil's Answer and proofs in Court and then say a little to the matter. He says he does not remember he signed the articles. He does not know he witnessed the assignment and Sir Basil appointed the meeting on purpose to have Mr. Craggs' witness. They read James Craggs to this and prove the contract delivered to each other. They admit the sealing. Mr. Craggs read for appointing the meeting on purpose to sign. They read to the prices of stock and to the nature of the contract. The Appeal was dismissed. MS. Min. L. J., XVII. 69.]

Annexed:—

(a) 2 March. Answer of Arthur Moore, Esq. The Appeal is only for delay and to avoid committal to the Fleet for contempt. The Decree is just and equitable and Appellant's allegation that he was prevailed upon by undue practices to sign the contract and that it was not grounded upon any just consideration is false and groundless. Hopes the contract will be performed and the Appeal dismissed with costs. *Signed* by Respondent. *Countersigned* P. Bowes, Wm. Dobyns. *Endorsed* as brought in this day.

1739. Feb. 25. E. Anglesey's Privilege.—List of witnesses sworn to give evidence for E. Anglesey this day. L. J., XVII. 46. [Complaint was made of a breach of Privilege committed against E. Anglesey. *Vincent Okeley* (sworn) says he had quiet possession of Bletchington, and the tenants attorned: I left the possession in Antwezl and Hampson's hands. Charles Barrett was present when I had the possession. I told him I came for the possession. I took a memorandum of what

1701–1702.

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No. 1738.

\* The Cause referred to is probably that of *Glover v. Seignoret*, No. 1653.



1701-1702. . . . . *Dr. Hampson* says the Earl was in quiet possession: I was present 21 Jan. Barrett gave Okeley quiet possession. I had an order to turn Barrett out of the house. He refused, and said he had an order for keeping possession for Mr. Arthur Annesley. *Asked* what force was made use of? [*Dr. Hampson*]: Barrett called people to the witness of the order he read for taking possession for the said Mr. Annesley. He said he was to have a moiety. Samuel Allen discharged me from payment of rent. Barrett came in the morning. He called to me, and went into the house, and bid me bear witness he took possession, and forbid me to pay my rent, and the other tenants also. *James White* (sworn) says, the 6 and 7 this month I went amongst the tenants in Ireland. Mr. Henry Cole came and demanded possession the same day we had it, and he forwar[n]ed the tenants to pay rent. [*James*] *Levalley*: I asked Mr. Cole how he came to forwarn the tenants. He said he had an order from his master Annesley, and he did not care for my Lord. Cole's words were after we had possession for E. Anglesey. *Ordered* that Charles Barrett and Henry Cole be attached. William Antwezl was in the above list of witnesses, but does not appear to have been examined. MS. Min. L. J., XVII. 46.]

Annexed,—

(a) 25 Feb. Proofs of evidence to be given this day. As to the English estate, Oakley, Hampson, Antwezell and Allen to prove that Oakley took possession of Bletchington on 21 Feb. [Jan.] and left it with Nicholas Mayo and William Antwezell [Antwezl]: The same, except Oakley, to prove that Barrett entered on 29 Jan. and kept possession 5 days for Mr. Annesley, and discharged Saml. Allen, a considerable tenant, from paying any rent to my Lord. As to the Irish estate, Mr. White and Mr. Levalley to prove that after the attornment of the tenants in Ireland to E. Anglesey, Henry Cole demanded an attornment to Mr. Annesley and discharged them from paying rent to my Lord.

1740. Feb. 25. Quakers' Affirmation (Continuing) Act.—Draft proviso as follows: Provided always and be it enacted that no Quaker or reputed Quaker shall, by virtue of this or the recited Act, be qualified or permitted to bear any office or place whatsoever. *Noted* as rejected this day. *Endorsed* Clauses offered to Quakers' Bill. [The Bill for continuing an Act intituled, an Act that the solemn affirmation and declaration of the people called Quakers shall be accepted, instead of an oath in the usual form, was brought from the Commons and read 1<sup>a</sup> on 16 Feb. L. J., XVII. 36. On 25 Feb. it was read 2<sup>a</sup> and committed to C. W. H. presently. *Ib.* 47. The same day, in C. W. H., V. Longueville in the Chair, the title and preamble were read and postponed. The Act 7 & 8 Will. III. was read out of the Statute Book. *Proposed* to hear L. Keeper and Judges as to any inconvenience that has arisen from this declaration being allowed the Quakers. *L. Keeper* heard: Since I was a practicer and since I have found a very great conveniency to others in giving their testimony, and many people's right would suffer if they did not give it. *L. C. Justice Common Pleas*: I have not known any inconvenience, nor heard of any. *Mr. Justice Tracey* of the same opinion. A clause was offered. *Proposed* that the Bill be continued for three years only. After Debate, *On Question*, Whether the word, eleven, shall stand in the Bill? *Resolved* in the affirmative. Contents 32, Not Contents 20: Tellers, L. Wharton, L. North. A proviso offered and read against

Quakers having offices. After debate, *On Question*, Whether the clause in the Bill shall stand? *Resolved* in the affirmative. A clause was offered to exempt the Quakers from offices. *On Question*, Whether this proviso (*see* Annex (a)) shall be part of the Bill? *Resolved* in the negative. Another clause offered, to except Quakers for voting for Members to serve in Parliament (Annex (a)). *On Question*, Whether this clause shall be made part of the Bill? *Resolved* in the negative. The preamble and title were read. *Agreed to*. The Bill was reported without any amendment. MS. Min. L. J., XVII. 47. On 26 Feb., after the Third Reading, a rider was offered to be added to the Bill, for the Quakers taking the affirmation in the plantations (Annex (b)). *On Question*, Whether the rider shall be rejected? *Resolved* in the affirmative. Another rider was offered. *On Question*, Whether this Bill shall pass? *Resolved* in the affirmative. Leave to protest. *Ordered* that the Commons have notice that the said Bill is passed without any amendment. MS. Min. L. J., XVII. 48. Royal Assent 2 March 1701. 13 & 14 Will. III. c. 4 Fol. Ed.]

1701 -1702.

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No. 1740.

Annexed :—

(a) 25 Feb. Corrected\* Draft of clause as follows :—Provided always that nothing herein contained shall be deemed or taken to extend to [permit or] allow [any Quaker defendant in any Court of Equity to put in his Answer to any Bill of Complaint upon his bare affirmation or to authorize] *qualify* or permit any Quaker to vote for the election of any Member of Parliament [or to excuse any Quaker who shall be elected into any office from taking the usual oaths appointed for the due execution of such office.] *Noted* Rejected. MS. Min. Underwritten is a clause, apparently not moved, as follows :—And be it further enacted that all Quakers shall, on or before the day of \_\_\_\_\_, lay before the Lord Chancellor or the Lord Keeper for the time, the books of their yearly, quarterly and monthly meetings, and shall make known unto the said Lord Chancellor or Lord Keeper for the time being all the ordinances, laws, byelaws, canons, rules and constitutions which are made, assented to or constituted by the said Quakers at such their meetings as aforesaid, or any of them, and, if they shall neglect or refuse so to do, that then the [toleration] indulgence allowed by the Act for taking the affirmation of the said Quakers shall be void and of none effect, anything in Act contained or any law, statute or usage to the contrary notwithstanding.

(b) 26 Feb. Parchment clause as follows :—And be it enacted by the authority aforesaid that the said affirmation shall be administered to the Quakers in his Majesty's plantations beyond the seas instead of an oath, and the Quakers shall take the said affirmation in all cases wherein their testimony shall be required, or where they are obliged to put in an Answer or Answers to any Bill or Bills in Equity, and in all cases where an oath is usually required. [Offered this day on Third Reading as a rider, and rejected. L. J., XVII. 48.]

1741. 26 Feb. Johnson's Estate Act.—Amended Draft of an Act for vesting several lands in the counties of Surrey and Sussex, the estate of Mary Johnson, wife of William Johnson, Gent., in trustees, to be sold for discharging several mortgages and other debts charged upon

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\* Additions in italics, omissions in square brackets.



- 1701-1702. the estate of the said William Johnson, and settling his estate upon his said wife and her children by him clear of incumbrances. The  
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 No. 1741. Lords, in addition to some drafting amendments, filled in the names of the trustees and the date of the commencement of their trust, and added the clause of partition of the lands held in copartnery by Mary Johnson and her sister. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 25 May 1702. L. J., XVII. 47, 149. 1 Anne c. 84 in Long Cal. See Com. Book 18 March.]

Annexed:—

- (a) 25 Feb. Petition of William Johnson, Gent., and Mary, his wife. Petitioner William, on his marriage with Mary, settled his estate in Surrey and Sussex on himself, with remainder to her for her jointure, and with remainder to their issue, subject to an annuity of 60*l.* to his mother and 800*l.* for portions for his brother and sister. The estate had been previously mortgaged for 1,750*l.* These charges cannot be met without the sale of part of the estate; but, as it lies entire and contiguous, it would be more advantageous to sell his wife's separate estate in those counties, which had been entailed on her and her issue male, to clear the incumbrances and make provision for younger children. Pray leave for a Bill for that purpose. *Signed* by Petitioners. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 46.
- (b) 18 March. Paper of amendments made in the Select Committee this day. Com. Book.
- (c) 18 March. Draft of a clause of partition added to the Bill in the Select Committee this day.

1742. Feb. 26. *Jeffreys v. Attorney-General and the Commissioners of the Customs*.—Petition and Appeal of Sir Jeffrey Jeffreys, Knt. By an Act of Parliament, made in the first year of the reign of King James II., an additional duty of 3*d.* per pound was laid on all tobacco imported from the plantations between June 1685 and June 1693. The importer was to give a bond not to sell or export the tobacco till the duty was paid and to pay the duty himself, if the tobacco remained in his hands for more than eighteen months. The Commissioners of Customs were empowered to make an allowance not exceeding 8*l.* per centum for waste and decay while the tobacco remained in the importer's hands. Appellant, who is a merchant, had imported large quantities of tobacco, most of which was consumed in England. As complaints were made by merchants as to the method of collecting this duty, the Lord Treasurer directed the Commissioners to make an allowance of 4*l.* per centum for waste and decay in all cases. Upon this, Appellant applied to the Commissioners for a larger allowance, but was refused, although his tobacco was generally damaged to the value of 8*l.* per centum or more. By an Act passed during the present reign the allowance for tobacco consumed in England was fixed at 8*l.* per centum and that for exported tobacco at 4*l.* per centum. Appellant paid large sums but never closed his impost accounts. When the Commissioners refused to allow him more than 4*l.* per centum, he brought his Bill in the Exchequer against the Attorney-General and the Commissioners to make up and settle his impost account. The Attorney-General brought his Bill against the Appellant for the same purpose. The Appellant proved that his tobacco was damaged by waste and decay to the extent of 8*l.* per centum or more. But after the Causes had been heard and re-heard, the Barons of the Court decreed that he should have no further allowance than 4*l.* per centum. Appeals

against this Decree. *Signed* by Appellant. *Countersigned* Sam. Dodd, Ja. Mountague. L. J., XVII. 48. [The Cause was heard on 20 April. *Sir Thomas Powys*, for the Appellant: We appeal from a Decree in Exchequer. The law is with us. The Act of Parliament provides for us. *Mr. Dodd*, on the same side: We ought to have eight per centum; four we have received. The question is whether we are precluded by the allowance of four per centum. We are entirely upon the foot of the Act of Parliament. Two clauses read out of the Statute the 9th and 10th paragraphs in the Act of 1 Jac. II. They read depositions as to the decay of the tobacco. *Mr. Solicitor*, for her Majesty: This he ought to have been contented with. This is a case of great consequence. *Mr. Cooper*, for the same: They reckon the tobacco was damaged about seven and nine per centum.; the tobacco [was] sold to retailers in England. Wherever *Sir Jeffrey Jeffreys* had the allowance and transported, that they say nothing of. This case is as plain as two and two make four. We hope exemplary [costs] will be allowed us. *Sir Jeffrey* having 6,000 lbs in his hands, which is the true reason of the Appeal. Decree, deposition and the order, made by the application of *Sir Jeffrey Jeffreys*, read. They read several receipts of *Sir Jeffrey*, by his servant. *Sir Thomas Powys*: He never did consent to the order of four per centum. We apprehend we have the law on our side. The Appeal was dismissed. MS. Min. L. J., XVII. 104.]

1701-1702.

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No. 1742.

Annexed:—

(a) 11 March. Joint and several Answer of Edward Northey, Esq., his Majesty's Attorney-General, and Charles Godolphin, Esq., *Sir Walter Yonge*, Samuel Clarke, Benjamin Overton and Robert Henley, Esq., Commissioners of his Majesty's Customs. The Decree is just and equitable. Appellant was satisfied with the 4l. per centum and never applied to the Commissioners to view or inspect his tobacco in order to have any other allowance. The later Act cannot be applied to tobacco imported before that Act passed. Hope the Appeal will be dismissed with costs. *Signed* Edw. Northy, Sam. Clarke, Ben. Overton, Robt. Henley. *Endorsed* as brought in this day.

1743. Feb. 26. Freeholders to keep Arms (Shooting) Bill.—Draft of an Act for the more effectual security of his Majesty's Government and the liberties and properties of his subjects by allowing freeholders and others to keep muskets and exercise themselves in shooting. Whereas upon the late happy Revolution the people of England engaged his present Majesty most justly and gloriously to assert and defend their ancient rights and to free them from popery and slavery, it was thereupon declared in the Bill of Rights to be their ancient and just privileges that such subjects who are Protestants might for their defence have arms suitable to their condition, and as the preservation of our religion and liberties and the succession to the Crown in the Protestant line does chiefly depend upon the fidelity and courage of such persons who, having estates and properties, will be thereby obliged upon all occasions to hazard and expose their lives in defence of the same against all enemies and invaders whatsoever; and whereas, by an Act made in the three and thirtieth year of the reign of King Henry the Eighth, it is enacted that every man, being the King's subject and not therein excepted, shall use and exercise shooting in long bows and also have a bow and arrows ready continually in his house to use himself in shooting, and also that butts for that purpose should be made and maintained in every city, town and place by the inhabitants thereof; and whereas the use of firearms has now rendered the exercise of



1701-1702. bow and arrows useless; now, to the end that this Kingdom may be restored to its former strength, so as the subjects of this Realm may be enured and exercised in the use of such arms as are at this time of eminent danger so necessary for the defence of this Realm, Be it enacted, etc., that it shall and may be lawful to and for any person or persons, being a natural born subject of this Realm, and who shall take the oaths of allegiance and supremacy, and having or enjoying any lands, tenements, or hereditaments of the clear yearly value of                      per annum, or having any personal estate of the value of                      pounds, to keep in his house one musket                      inches long and of                      bore, and to use and exercise himself, his sons and men servants, in shooting at a standing mark with a single bullet; Provided nevertheless that nothing herein contained shall be construed or taken to enable any person or persons to go or ride armed, or to bring or use any force in breach or fray of the King's Peace, or to keep or use any musket or any sort of gun, other than is expressed in this Act, or use any gun for the shooting at or destroying any deer, conies, hares, pheasants, partridges or other game, contrary to the Laws and Statutes in such cases made and provided. [Read 1<sup>a</sup> this day; 2<sup>a</sup> and committed to C. W. H. on 4 March. On 7 March the C. W. H. was put off till the 9th. MS. Min. 10th in L. J. It was again put off to the 10th and then for one month. MS. Min. The Bill was not further proceeded with. L. J., XVII. 48, 55, 57, 60.]

1744. Feb. 26. *Stokes v. Clarke*.—Petition and Appeal of Abjohn Stokes. Mary Ayloff, a widow, was possessed of the Rectory of Whitchurch, in the county of Southampton, by a lease for three lives from the Hospital of St. Cross. She also possessed various goods, plate, &c. Before marrying Christopher Stokes, senior, she conveyed the said Parsonage to trustees and their heirs during the lives of herself, Jane Brookes and Thomas Brookes, the profits to go to her, and, after her death, to Thomas Brookes, or, if he died first, to her heirs at law. She also conveyed to the trustees her household goods, &c., which, (except the plate), was to go, after her death, to the person entitled to the dwelling-house at Whitchurch. Stokes was a party to the arrangement. Jane Brookes and Thomas Brookes died without issue. Mrs. Mary Stokes died some time afterwards without having renewed the lease, whereupon the Rectory reverted to the Hospital. Afterwards Stokes paid 1,800*l.* for a lease for his own life and his son's and for the life of Francis Stonehouse. But Rebecca Jenkins, Thomas Rainbutt and Susanna, his wife, as heirs-at-law of Mary Stokes, brought a Bill in Chancery to compel Christopher Stokes to transfer to them his new lease and to account for the profits from his wife's death and deliver the household goods. In their Bill they set forth that Stokes ought to have got the old lease renewed, and asked that they might have the benefit of the new one. Stokes answered that his wife would not renew the old lease and that he was entitled to the new one just as much as any other purchaser would be. Christopher Stokes died before the hearing, but the suit was revived against his son, and, on the hearing, the Lord Chancellor declared that the father was excluded from taking a lease for his own benefit and decreed an account of profits since the death of Mary Stokes and also an account of her household goods. He further decreed that after the deduction of the amount paid as a fine, the new lease should be assigned to the Plaintiffs. Christopher Stokes, the son, left his interest in the Rectory to Appellant. The Respondents have revived the proceedings against him as heir and administrator of Christopher Stokes, senior, and

Christopher Stokes, junior. Appeals against the Decrec. *Signed* by Appellant. *Countersigned* Wm. Dobyns, Sam. Dodd. L. J., XVII. 48. [The Cause was heard on 26 March 1702. *Mr. Dobyns* and *Mr. Dodd* appeared for the Appellant and *Mr. Cooper* and *Sir Thomas Powys* for the Respondents. The Decree was in part reversed. MS. Min. L. J., XVII. 83.]

1701-1702.

No. 1744.

Annexed :—

(a) 13 March. Petition of Respondents asking for further time to put in their Answer. *Signed* by Richard Clarke only. L. J., XVII. 72.

(b) 20 March. Answer of Richard Clarke and Susanna, his wife, late Susanna Rainbutt, widow, and Philip Jenkins, son and heir and executor of Rebecca Jenkins and administrator of Jane Brookes. The Decree appealed against is just and equitable. Pray that the Appeal may be dismissed with costs. *Signed* by Respondents. *Countersigned* Ja. Howe. *Endorsed* as brought in this day.

(c) 20 March. Petition of Appellant for a short day for the Hearing. *Endorsed* as read this day. L. J., XVII. 77.

1745. Feb. 26. Windowe's Estate Act.—Amended Draft of an Act for settling the estate late of John and Robert Windowe, Gents., deceased, upon trustees, to be sold and the purchase money applied to the uses therein mentioned.

The Lords inserted the names of the trustees and made some other amendments of a drafting nature. There were no amendments in the Commons. [Read 1<sup>a</sup> this day. Royal Assent 25 May 1702. L. J., XVII. 48, 149. 1 Anne c. 79 in Long Cal. See Com. Book 14 March.]

Annexed :—

(a) 17 Feb. Petition of Dorothy Price, widow, and Dorcas Window[e], widow, on the behalf of herself and Dorcas Window, her daughter, an infant of about the age of six years. John Window, Gent., deceased, father of the infant, was seised of part of a messuage, &c., in Avening, Gloucestershire, worth about 140*l.* a year, in tail mail, with remainder to his brother Robert, and of the rest in fee, subject to incumbrances made by their father William. At his death the respective parts of the estate went to his brother and the infant Dorcas, his only daughter and heir, subject to the incumbrances and the dower of Dorcas, the mother. Robert mortgaged his part for 700*l.* and agreed with Dorcas, the mother, and Dorothy Price, his grandmother, that the whole estate should be sold to pay off the incumbrances and that the residue should be divided among them; but he died before this could be done, after devising his share to his grandmother. The debts amount to near 2,000*l.* and swallow up all the profits. Pray leave to bring in a Bill to carry out the agreement and divide the residue between Dorothy Price, Dorcas, the mother, and Dorcas, the infant. *Signed* Dorothy Price, Dorcas Window. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 37.

(b) 14 March. Paper of amendments made in the Select Committee this day. Com. Book.

1746. Feb. 28. Tyrrill's Estate Bill.—Draft of an Act to vest the manors of Handslopp [Hanslope] and Castle Thrupp [Castlethorp] and all other the lands of Sir Peter Tyrrill, Bart., and Thomas Tyrrill, Esq.,



- 1701-1702. his son, in the parishes of Handslopp and Castle Thrupp, in the county of Bucks., in trustees to sell part thereof for payment of debts and to settle other lands of an equal value in the parishes aforesaid to the same uses. This Draft differs in certain points from the Aet\* passed later for the same purpose. It does not specify the settled lands mortgaged and to be settled in lieu of lands sold; it does not mention the judgment debts and the schedule thereof; it appoints Sir John Elwes, of Fulham, Middlesex, Knt., Edward Northey, Esq., and Joseph Sherwood, Gent., to be trustees instead of those in the Aet, and it leaves out the 50*l.* jointure to Dorothy Tyrrill and the sections relating to fee farm rents and reimbursement of trustees. [Read 1<sup>a</sup> this day. Read 2<sup>a</sup> and committed 2 March. L. J., XVII. 51, 53. The Select Committee apparently never met. There is a paper which contains two drafting amendments (*see* Annex (b)), but there is no entry in Com. Book. There were no further proceedings on the Bill.]

Annexed:—

(a) 28 Feb. Petition of Sir Peter Tyrrill, Bart., and Thomas Tyrrill, his son, Esq. On the marriage of Thomas, several lands in Handslopp and Castle Thrupp, Bucks, were settled for jointure and upon the issue of the marriage. Petitioners, having contracted several debts, pray leave to bring in a Bill to vest all their lands in those parishes in trustees to sell part for payment of debts and settle other lands of equal value to the same uses. *Signed* by Petitioners. L. J., XVII. 51.

(b) *Undated.* Paper of amendments. They are to substitute the word, Queen, for the word, King. No entry in Com. Book.

1747. Feb. 28. Union with Scotland.—King's Message, under his Sign Manual, earnestly recommending a Treaty of Union during his reign to the consideration of the House. L. J., XVII. 50-51. *In extenso.*

1748. March 2. Writ of Summons (E. Abingdon).—Writ of Summons to Montagu, E. Abingdon. *Dated* 13 Nov. 1701. [Took the Oaths this day. L. J., XVII. 53.]

1749. March 2. Commission (Royal Assent).—Commission under the Sign Manual, to the Lord Keeper of the Great Seal, Charles, D. Somerset, L. President, Thomas, E. Pembroke and Montgomery, L. High Admiral, William, D. Devonshire, L. Steward, Charles, E. Carlisle, E. Marshal, Charles, E. Manchester, one of the Secretaries of State, and Edward, E. Jersey, L. Chamberlain, to give the Royal Assent this day to the several Bills. *Dated* this day. L. J., XVII. 52-3. *In extenso. Parchment Collection.*

1750. March 3. *Dent v. Buck.*—Petition and Appeal of Thomas Dent, D.D. Appellant is Vicar of Lenton, Lincolnshire, and Sir William Buck is seised of the manor of Hanby or Hanbeck and of lands called Grange Leas, both in the manor of Lenton. Petitioner was assured by Sir William that there was an ancient modus of 20*s.* payable in discharge of the tithes of Hanbeck, but that some further allowance in money had been given to previous Vicars which he, (Sir William), proposed to continue to Appellant by an agreement. Sir William Buck produced an exemplification under the seal of the Court of King's Bench of a suggestion of a modus of 20*s.* in the time of

\* 2 and 3 Anne, c. 50, in Long Cal.

Queen Elizabeth and of a prohibition to the Ecclesiastical Court where the then Vicar sued for tithes in kind. Appellant, believing this to be a true record, agreed to accept 20s. as a modus and Sir William Buck agreed to pay him 11*l.* per annum besides. Appellant lately discovered that the exemplification was a fraud, and that there had been a trial at law. He, therefore, brought his Bill in the Exchequer for tithes in kind and to be relieved against the agreement as fraudulent. The Court refused to relieve him against the agreement or to decree him tithes in kind and dismissed his Bill. This dismissal was affirmed upon a rehearing. Appeals against the dismissal. *Signed* by Appellant. *Countersigned* Sam. Dodd, Fran. Browne. L. J., XVII. 54.

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No. 1750.

[The Cause was heard on 19 March. *Mr. Cooper*, for the Appellant: Half a record was produced to the Doctor and the other part kept away. This is near forgery. *Mr. Dodd*, for the same: The Doctor tries this for the advantage of those that are to follow. It is proposed by a friend to give the Doctor 11*l.* per annum. The agreement is made and grounded only on the record. They read the agreement. They propose to read the exemplification. *Sir Thomas Powys* heard for the Respondent as to the reading of the terrier to be read. The minutes read as to the reading of it. *Mr. Cooper*: This terrier is proper evidence. *Buller* (sworn) says this parchment was not read: My book says it is a loose parchment. They offer a book of the Vicar of Lavington which was not read below, which is opposed by *Sir Thomas Powys*. This is waived. *Sir Thomas Powys*: The agreement is penned by the Doctor himself. He saw the acquittances as well as the exemplification. He has received and acquitted. They read two or three acquittances in each Vicar's time. They read the verdict in this case. They read as to the method of making this agreement. The Decree is that they cannot relieve him against his own agreement. They read as to the close called Grange Leas. *Fortinatus Huett* read. The Decree was reversed and the agreement set aside. MS. Min. L. J., XVII. 76.

Annexed:—

(a) 9 March. Joint and several Answer of Sir William Buck, Bart., William Walker, *alias* Walcott, Edward Kitchin, Thomas Jervase, John Young, Thomas Shepherd, Jos. Smith, Richard Clifton, John Rawlinson, John Garland, Timothy Lacy, Richard Rastall and John Eagle. Appellant's Bill was, in their opinion, rightly dismissed and they hope the Appeal will be dismissed with costs. *Signed* by Respondents. *Countersigned* Jo. Hawles. *Endorsed* as brought in this day.

(b) 24 March. Petition of Appellant. The minutes taken upon the Hearing of the Appeal are, "That the Decree and the affirmation thereof shall be reversed, and the agreement set aside"—but therein is omitted, "That the Court of Exchequer should proceed to relieve the Plaintiff." Prays that the minutes may be made accordingly. *Endorsed* as read this day, heard 27 March and these words added to the Judgment of the 19th instant:—"That the Court of Exchequer do proceed to hear and determine the Cause as to the right of the tithes in question notwithstanding the said agreement." MS. Min. L. J., XVII. 84.

1751. March 3. Benovad's Naturalization Act.—Amended Draft of an Act for naturalizing Stephen Benovad and others. The amendments made in the Select Committee were to insert in the Bill all



- 1701-1702. the names which appear in the Act after that of David Nowett Bennett, and also various other names which were afterwards struck out by the Commons. Com. Book March 21, 25, and April 2. In the Commons certain names were struck out and others inserted. They are set out in C. J., XIII. 902, 904. [Read 1<sup>a</sup> this day. Royal Assent 25 May 1702. L. J., XVII. 55, 150. 1 Anne, c. 112 in Long Cal.]

Annexed:--

- (a) 21 Feb. Petition of Daniel Latanes, a French Protestant refugee. As he was born in France, he cannot serve in the army, unless he is naturalized. Prays to be admitted into the pending Naturalization Bill. *Signed* Daniel Latanés. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 42. Petitioner added to the Bill by the Select Committee on 25 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, see Annex (s).
- (b) 23 Feb. Petition of David Nowit Bennett. He was born at Rochelle, in France, of English parents, but, being a Protestant, was forced thence into this Kingdom, where he has lived for several years, ever showing his zeal to the King's service and the good of England. Prays to be added to the pending Naturalization Bill. *Signed* David Nowit Bennett. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No special entry in L. J. Petitioner is amongst those in the Draft Bill. His Certificate was produced and proved before the Select Committee on 21 March. Com. Book. For Certificate, see Annex (s). He was naturalized by this Act.
- (c) 24 Feb. Petition of Frederick de Sibourg, Gent. Has been a soldier for several years beyond the seas and has served his Majesty in his army upon all occasions since 1691. Prays to be inserted into the pending Naturalization Bill. *Signed* Frederick De Sibourg. *Endorsed* as read this day. L. J., XVII. 45. Petitioner's name was included in the Draft Bill. His Certificate was produced and proved before the Select Committee on 21 March. Com. Book. He was naturalized by this Act. For Certificate, see Annex (s).
- (d) 24 Feb. Petition of René Letourneau De Beaumortier, a Protestant, born out of his Majesty's allegiance, who left his country on account of his religion. Is destitute of employment unless naturalized. Prays to be admitted into the pending Naturalization Bill. *Unsigned*. *Endorsed* as read this day. Petitioner was included in the Order made on the preceding Petition. MS. Min. No special mention in L. J. His name was added to the Bill by the Select Committee on 21 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, see Annex (s).
- (e) 25 Feb. Petition of Daniel Jouneau. Petitioner was only 14 months old when brought over from France. The rest of his parents' family were born in England. Desires to enjoy by naturalization the same happiness as his brothers. Prays to be admitted into the pending Naturalization Bill. *Signed* Daniel Jouneau. *Endorsed* as read this day. Petitioner was included in the Order, made on the preceding Petition. MS. Min. No entry in L. J. His name was added to this Bill by the Select Committee on 21 March when his Certificate was produced and

proved. Com. Book. He was naturalized by this Act. For 1701-1702. Certificate, *see* Annex (s).

(f) 27 Feb. Petition of Gabriel Defrestel and three others. No. 1751.

Petitioners have served his Majesty all the late war in Flanders and elsewhere, but, as they were born out of his allegiance, cannot serve any longer unless naturalized. Pray to be admitted into the pending Naturalization Bill. *Signed* Gabriel Defrestel, John Perier, Joseph Coindrieau, Jacob Demillon. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. Their names were added to the Bill by the Select Committee on 25 March when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (s).

(g) 27 Feb. Petition of Peter Dupuy and two others. The Petition is identical with the preceding one. *Signed* Peter Dupuy [Depuy in Act], Henry Neutte, F. Gourdon. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. Dupuy and Gourdon were added to the Bill by the Select Committee on 21 March, when their Certificates were produced and proved. Com. Book. They were naturalized by this Act. For Certificates, *see* Annex (s). Neutte does not appear in any of these Naturalization Acts.

(h) 28 Feb. Petition of Peter Sergeant and eleven others. It is identical with Annex (f). Pray for leave that a Bill may be brought in to pass for their naturalization. *Signed* Peter Sergeant, Charles Perrotte [Perot in Act], Timothy Motteux [Matteux in Act], John Girard, Paull Girard, Stephen Benovad, Seigneuron Augier, Henrick Nortloo, Peter Dupuy, François Gourdon, Elias Bargeau, Lewis Pau, John Gaile. *Endorsed* as read this day. *Ordered* [as desired]. MS. Min. No entry in L. J. Sergeant, Benovad, the Girards, Motteux, Perrotte and Bargeau were in the Draft Bill. The other Petitioners were added to the Bill by the Select Committee. Their Certificates were produced and proved before the Select Committee on 21 and 25 March. Com. Book. All the Petitioners were naturalized by this Act, with the exception of Sergeant, who was struck out by the Commons. C. J., XIII. 902. For some of the Certificates, *see* Annex (s).

(i) 3 March. Petition of Lewis Vaslet. Petitioner was forced out of his native country on account of his religion. Has lived 16 years in this Kingdom, where he desires to pass the remainder of his days. Prays to be admitted amongst others into the pending Naturalization Bill. *Signed* Lewis Vaslet. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 55. Vaslet was added to the Bill by the Select Committee on 21 March, when his Certificate was produced and proved. Com. Book. He was naturalized by this Act.

(k) 4 March. Petition of John Gaile, a Protestant French Minister. He was born at Nismes, in France. Desires to live the rest of his life in England. Prays to be admitted into the pending Naturalization Bill. *Signed* John Gaile. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 57. Gaile was added to the Bill by the Select Committee on 21 March when his Certificate was produced and proved. Com. Book. He was naturalized by this Act. For Certificate, *see* Annex (s).

(l) 7 March. Petition of Charles David Lamecourt and five others. The Petition is identical with Annex (f). *Signed*



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Charles David Lamecourt, Cornelavel [Cornelius Delaval, an infant], Isaac Chapéllier, Peter Horry, Gideon Benoist, Gabriel Guichard. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 60. Petitioners were added to the Bill by the Select Committee on 21, 25 March and 2 April, when their Certificates were produced and proved. Com. Book. They were all naturalized by this Act. For some of the Certificates, *see* Annex (s).

- (m) 12 March. Petition of Elias Dupuy. Petitioner was born out of her Majesty's allegiance. He is a Protestant, and left his native country on account of his religion. He cannot do good service to her Majesty unless he is naturalized. Prays to be inserted in the Naturalization Bill now depending. *Signed* Elias Dupuy, junr. *Endorsed* as read this day. MS. Min. Dupuy was added to the Bill by the Select Committee on 25 March, when his Certificate was produced and proved. He was naturalized by this Act.
- (n) 23 March. Petition of Joshua Poumié and eleven others. Petitioners served his late Majesty all the late war. The Petition is practically identical with Annex (m). *Signed* Josué Poumié, Jacobo Constant, John Diserote, Gabriel Joseph Delafon, Isaac Auriol, Josias Laborde, Isaac Charieux, Charles Denié, John Mariette, Francis Verdier, Simon Girbelin [? Gribelin], Jacob Dupuy. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 79. The Petitioners\* were added to the Bill by the Select Committee on 25 March and 2 April, when their Certificates were produced and proved. Com. Book. They were all naturalized by this Act with the exception of Verdier and Constant who were struck out by the Commons. C. J., XIII. 902, 904.
- (o) 25 March 1702. Petition of Reijmier Snep and one other, Hollanders. Petitioners are well affectioned to her present Majesty and have lived many years within the Kingdom. Pray to be admitted into the pending Naturalization Bill. *Signed* Reijmer Snep, Henry de Gols. *Endorsed* as read this day. *Ordered* as desired. MS. Min. No entry in L. J. Petitioners were added to the Bill by the Select Committee. Their Certificates were produced and proved on 25 March and again on 2 April, as they had not taken the Oaths on the former date. Com. Book. They were naturalized by this Act.
- (p) 2 April. Paper of amendments made in the Select Committee and ordered to be reported this day. Com. Book March 21, 25, April 2.
- (q) 2 April. Paper, marked A, for insertion in preceding paper, containing the names, &c., of Snep, de Gols, Fuekert, King and le Feure, who were added to the Bill by the Select Committee this day. Com. Book.
- (r) 2 April. Paper, marked B, for insertion in (p) above, containing the names, &c., of Cornelius Delaval, an infant, to Steuen Leimbach inclusive, appearing in the Act, together with those of Jacob Constant, son of Jacob Constant by Catherine his wife, born at Gamache, in Picardie, France, and Lewis Vinié, son of Lewis Vinié by Mary, his wife, born at Paris, France, who were all added to the Bill by the Select Committee this day. Com.

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\* Isaac Charieux does not appear to have produced his Certificate.

Book. The two last-named were struck out by the Commons. 1701-1702.  
(This paper also contains expunged entries of the names, &c., of  
Abell Langelier and Taneguy le févre, the latter of whom was  
also added to the Bill this day as "le Feure," (see preceding  
paper), while the former was added by the Commons as "Abel"  
Langelier.)

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No. 1751.

(s) 21 March  
2 April. Certificates that the following persons have received  
the Sacrament, according to the usage of the Church of England,  
viz. :—

(1) Stephen Benovad, on 1 March 1701-2, at the Parish  
Church of St. Martin's, Westminster. *Signed* Tho. Yates,  
Minister, Isaac Godfrey, Churchwarden. *Dated* eod. die.  
*Attested* by John Girard and Paul Girard.

(2) [John Girard.]

(3) [Paul Girard.]

(4) Timothy Motteux [Mateux in Act]. *Attested* by Seig-  
neuron Augier and Charles Perrotte. Rest as in (1).

(5) Charles Perrotte [Perot in Act]. *Attested* by Timothy  
Motteux and Seigneuron Augier. Rest as in (1).

(6) Elias Bargeau. *Attested* by Henry Neutte and James  
Thomas. Rest as in (1).

(7) James Thomas. *Attested* by Henry Neutte and Elias  
Bargeau. Rest as in (1).

(8) Daniel Moreau. *Attested* by Daniel Gamele [Gamel]  
and John Masson. Rest as in (1).

(9) [Thomas Le Heup.]

(10) [Peter Bezard.]

(11) [Frederick de Sibourg.]

(12) Peter Deucros [Ducros in Act], on 22 Feb. 1701-2.  
*Attested* by Francis Beteilhe and Peter Triquet. Rest as  
in (1).

(13) Peter Renouard. *Attested* by Henry Neutte and Henry  
Dessy. Rest as in (1).

(14) Andrew Vimielle [Vimiell in Act], on 8 March 1701-2.  
*Attested* by Charles Portales and John James Laborde. Rest  
as in (1).

(15) [Peter Sergeant\*.]

(16) Matthew Poumies [Poumier in Act]. *Attested* by Peter  
Sergeant and Isaac La Salle. Rest as in (1).

(17) David Nowet Bennet [Nowett Bennett in Act], on  
22 Feb. 1701-2. *Attested* by James Philip Moreau and Lewis  
Grolleau, who does not sign. Rest as in (1).

(18) John Gaile. *Signed* Ro. Grisedale, Minister, Willm.  
Webb, Churchwarden. *Attested* by Philip Rose, Lewis Pau  
and Jacob Acere. Rest as in (1).

(19) Lewis Pau. *Attested* by Philip Rose, John Gaile and  
Jacob Acere. Rest as in (1).

(20) [Lewis Vaslet.]

(21) [Henry Smith.]

(22) René Letourneau De Beaumortier. *Attested* by Daniel  
Pellissier and Francis Rybort. Rest as in (1).

(23) Benjamin Jouxon [*alias* de Joux in Act], on 15 March  
1701-2. *Attested* by Isaac Desbordes, Paul Farjoux and  
Matthew Gelieu. Rest as in (1).

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\* Struck out by the Commons. C. J., XIII. 902.



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No. 1751.

- (24) [Samuel Esteve\*.]
- (25) Jacob Acere. *Attested* by John Gaile and Lewis Pau. Rest as in (1).
- (26) Francis Gourdon. *Attested* by Stephen Jouneau and Peter Dupuy. Rest as in (1).
- (27) Peter Dupuy [Depuy in Act]. *Attested* by Francis Gourdon and Stephen Jouneau. Rest as in (1).
- (28) Stephen Jouneau. *Attested* by Francis Gourdon and Peter Dupuy. Rest as in (1).
- (29) [John Glenison.]
- (30) Marek Antony Vaissire Valogne [Marek Antony Valogne in Act]. *Attested* by Peter de Gualy and Stephen Degulhon. Rest as in (1).
- (31) Henry Dessy. *Attested* by Henry Viet and Henry Ncutte. Rest as in (1).
- (32) [Charles Portalhes.]
- (33) Peter Triquet [Tiquet in Act], on 22 Feb. 1701-2. *Attested* by Peter Ducros and Francis Beteilhe. Rest as in (1).
- (34) Francis Beteilhe [Beteillie in Act], on 22 Feb. 1701-2. *Attested* by Peter Ducros and Peter Triquet. Rest as in (1).
- (35) Daniel Faurestier [Fourestier in Act], on 22 Feb. 1701-2. *Attested* by Peter Mason and Thomas Le Heup. Rest as in (1).
- (36) Stephen Gendron. *Attested* by Lewis Vaslet and Stephen Riou. Rest as in (1).
- (37) Isaiah Renaudet [Renoudet in Act], on 15 March 1701-2. *Attested* by Andrew Vimielle and Charles Portales. Rest as in (1).
- (38) Daniel Pelletreau [Peltreau in Act], on 8 March 1701-2. *Attested* by Peter Parquot and Paul Girard. Rest as in (1).
- (39) René Jaquet. *Attested* by John Perier and John Ratie. Rest as in (1).
- (40) Gabriel de la Haye, on 22 Feb. 1701-2. *Attested* by Peter Daniel and James Texier. Rest as in (1).
- (41) James Philip Moreau\*, on 22 Feb. 1701-2. *Attested* by David Nowet Bennett and John François Mousset. Rest as in (1).
- (42) Daniel Jouneau, on 22 Feb. 1701-2. *Attested* by John Boulaire de l'amirandelle and Gabriel Laporte. Rest as in (1).
- (43) [John René Giberne\*.]
- (44) Theophile Sorbier. *Attested* by Benjamin de Malide and James Le Roy. Rest as in (1).
- (45) Benjamin Malide. *Attested* by Theophile Sorbier and James Le Roy. Rest as in (1).
- (46) Zacharia Butaud [Bulaud in Act]. *Attested* by Daniel Pellissier and John René Giberne. Rest as in (1).
- (47) Francis Joly [Jolly in Act] de Ternac. *Attested* by Benjamin de Malide and James Le Roy. Rest as in (1).
- (48) Francis Ribor [Ribot in Act]. *Attested* by Francis Joly de Ternac and Daniel Pellissier [Pelisher in Act]. Rest as in (1).
- (49) [Daniel Pelisher.]
- (50) John Pavillard. *Attested* by Timothy Motteux and Charles Perrotte. Rest as in (1).

\* Struck out by the Commons. C. J., XIII., 902.

(51) Paul Doux Saint [Doux saint in Act]. *Attested* by 1701-1702.  
Joseph Coindreau and James Brown. Rest as in (1).

(52) Robert Asmont [Osmont in Act], on 8 March 1701-2. No. 1751.  
*Attested* by Daniel Garnier and Daniel Pelletreau. Rest as  
in (1).

(53) Daniel Garniere [Garnier in Act], on 8 March 1701-2.  
*Attested* by Robert Osmont and Daniel Pelletreau. Rest as  
in (1).

(54) James Brown [Browne in Act]. *Attested* by Paul  
Doux Saint and Joseph Coindreau. Rest as in (1).

(55) [John Masson.]

(56 and 57) Honorat Superiori [*alias* Smith in Act] and  
John Bucaille, on 15 March 1701-2, at the Parish Church of  
Allhallows, Barking. *Signed* John Gaskarth, Minister, Stephen  
Slade, Churchwarden. *Dated* eod. die. *Attested* by Thomas  
Hall.

(58) Michael Réau, junior, on 15 March 1701-2. *Attested*  
by Michael Réau, senior, and Gabriel Réau. Rest as in (1).

(59) Gabriel Réau, on 15 March 1701-2. *Attested* by  
Michael Réau, senior, and Michael Réau, junior. Rest as  
in (1).

(60) John Lavie, on 8 March 1701-2. *Attested* by Gabriel  
Guichard, Charles Portales and John Montaud. Rest as in (1).

(61) Garard Smith, on 8 March 1701-2. *Attested* by Henry  
Bustin and Gossewinnus Smith. Rest as in (1).

(62) Henry Bustin, on 8 March 1701-2. *Attested* by Gerrard  
Smith and Gossewinnus Smith. Rest as in (1).

(63) John Montaud, on 8 March 1701-2. *Attested* by  
Charles Portales, John James Laborde and John Lavie. Rest  
as in (1).

(64) [Jacob Laige.]

(65) Isaac Desbordes, on 15 March 1701-2. *Attested* by  
Paul Fanjoux, Matthew Gelieu and Ben Jouxson. Rest as  
in (1).

(66) [Paul Fanjoux.]

(67) Matthew Gelieu [Geldieu in Act], on 15 March 1701-2.  
*Attested* by Paul Fanjoux, Isaac Desbordes and Ben. Jouxson.  
Rest as in (1).

(68) Jacob Beaune, on 8 March 1701-2. *Attested* by Paul  
Girard and John James Laborde. Rest as in (1).

(69) Oliver Rapiat Labrosse [la Brose in Act], on 8 March  
1701-2. *Attested* by Jacob Liege and Francis Olivier. Rest  
as in (1).

(70) Christopher Zobel, on 8 March 1701-2. *Attested* by  
Gideon Benoist, Gabriel Guichard and John Lavie. Rest as  
in (1).

(71) Peter Horry, on 8 March 1701-2. *Attested* by Paul  
Girard and Peter Deschamps. Rest as in (1).

(72) Abraham Torin, on 8 March 1701-2. *Attested* by  
Charles David Lamecour and James Brunyer. Rest as  
in (1).

(73) Peter Landreau, on 22 Feb. 1701-2. *Attested* by Peter  
Mason and Peter Bezard. Rest as in (1).

(74) Peter Mason [Masson in Act], on 22 Feb. 1701-2.  
*Attested* by Daniel Faurestier and Thomas Leheup. Rest as  
in (1).



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No. 1751.

(75) Gabriel de la Primanday [Delaprimanday in Act], on 22 Feb. 1701-2. *Attested* by Guy Tinguy and David Pain. Rest as in (1).

(76) James Texier, on 22 Feb. 1701-2. *Attested* by Peter Daniel and Gabriel Delahaye. Rest as in (1).

(77) Stephen Brigaud, on 22 Feb. 1701-2. *Attested* by James Texier and Peter Daniel. Rest as in (1).

(78) James le Roy [Le Roye in Act]. *Attested* by Benjamin de Malide and Theophile Sorbier. Rest as in (1).

(79) Isaac Laselle [Lasalle in Act]. *Attested* by Matthew Poumis and Peter Sergeant. Rest as in (1).

(80) [Abraham Meure.]

(81) Gasswines Smith, on 8 March 1701-2. *Attested* by Henri Bustin and Garrard Smith. Rest as in (1).

(82) James Galine, on 22 Feb. 1701-2. *Attested* by Peter Pineau and David Bonnet. Rest as in (1).

(83) David Bonnet [Bonnett in Act], on 22 Feb. 1701-2. *Attested* by Peter Pineau and James Galine, by his mark. Rest as in (1).

(84) Peter de Galy [Gally in Act]. *Attested* by Benjamin de Malide and James le Roy. Rest as in (1).

(85) Gabriel Gichard [Guichard in Act], on 8 March 1701-2. *Attested* by Gideon Benoist and Charles Portales. Rest as in (1).

[The numbers in brackets refer to the number endorsed on each certificate. Nos. (1)-(17) were in the Bill as originally brought in. The remainder were added by the Select Committee.

Fifty-five more names are inserted in the Act after No. (85) above, for which the Certificates are missing. The names of these persons are given in Com. Book on 21 and 25 March and 2 April, on which days their Certificates were produced and proved.]

The following are the Certificates of the various individuals added by the Commons. C. J. XIII., 902-904. One Certificate, that of Abel Langelier, is missing :—

Certificate that James Ball from Gadebush, in the Duchy of Mecklenburg, on 12 April 1702, received the Sacrament according to the usage of the Protestant Church, at the High German Church, London. *Signed* John Esdras Edzard, Minister. *Dated* 13 April. *Attested* by Caspar Hellmundt and John Philipp Schlachtman.

Garrett John Nijs, son of John Nijs and Johanna, his wife, born at Zutphen, in Guilderland, on 5 April 1702, at the Parish Church of Kensington. *Signed* Chr. Sill, officiating for the Minister, Wm. Munden, Churchwarden. *Dated* 8 April. *Attested* by Charles King and James Lovett, of the Parish of St. Margaret's Westminster.

Francis Limbock [Limborch in Act], on 19 April 1702. *Signed* Ro. Grisdale, Minister, Willm. Webb, Churchwarden. *Attested* by Paul Margaret and Thomas Ridley. *Dated* eod. die. Rest as in (1).

Philip Guibert, on 5 April 1702, at the French Church in the Savoy. *Signed* Tho. Satur, Minister, Henry Gay, Churchwarden. *Dated* eod. die. *Attested* by John Cagnard and Bernard Guibert.

Nicholas James le Tavernier, on 12 April 1702. *Attested* by Francis Voillaud and Thomas Ridley. Rest as in (1).

Peter Chaigneau, on 5 April 1702. *Signed* Ro. Grisedale, Minister, Isa. Godfrey, Churchwarden. *Attested* by Robert Le Platrier and Matthias Chaigneau. Rest as in (1). 1701-1702.  
—  
No. 1751.

Matthias Chaigneau, on 5 April 1702. *Signed* Ro. Grisedale, Minister, Isa. Godfrey, Churchwarden. *Attested* by Robert Le Platrier and Peter Chaigneau. Rest as in (1).

Charles Timothy Baignoux, on 12 April 1702. *Attested* by John Espinasse de Fouvive, Elias Negre and Lewis Galabin. Rest as in (1).

Henry Boyer, on 26 April 1702. *Attested* by John Lafage and Jeremiah Crowther. Rest as in (18).

James De Foyssae [De Foyssat in Act], on 19 April 1702. *Attested* by Anthony Garrisson and Gaspard Lanalue. Rest as in (18).

Gaspard Lanalue, [la Nalve in Act]. *Attested* by Anthony Garrison and James Defoyssae. Rest as in (18).

Lewis Gallabin [Galabin in Act], on 12 April 1702. *Attested* by Isaac Deprepetit and Lewis Peron, by his mark. Rest as in (1).

Amateur Bouhereau [Bouhereau in Act], on 15 Feb. 1701-2. *Attested* by Anthony Caillon and David de Montalieu St. Hypolite. Rest as in (1).

Samuel Ravenel, on 5 April 1702, at the French Church in the Savoy. *Signed* Thomas Satur, Minister, Lewis Delafaye, Churchwarden. *Dated* eod. die. *Attested* by Luke Doudart Trevigar and Lewis Delafaye of St. Martin's-in-the-Fields.

Christopher De Schmettau, on 3 May 1702, at the Parish Church of St. James within the Liberty of Westminster. *Signed* James Matthews, Curate, Tho. Causey, Churchwarden. *Dated* eod. die. *Attested* by Thomas Maney and John Swaine.

Jacob Vineent, on 29 March 1702. *Signed* Ro. Grisedale, Minister, Isa. Godfrey, Churchwarden. *Attested* by Taneguy Le Fèvre and Abraham Magny. Rest as in (6).

Abraham de Magny, on 29 March 1702. *Attested* by Jacob Vineent and Taneguy Le Fèvre. Rest as in (1).

1752. March 4. Thomson's Estate (Parkbury manor) Bill.—Amended Draft of an Act for the sale of the manor or reputed manor of Parkbury and other lands and hereditaments, in the county of Hertford, and for applying the moneys arising by the sale thereof to the uses hereby directed. Recites a settlement in 1680 by Sir William Thomson, of London, Knt., since deceased, of the manor and mansion house of Parke, *alias* Parkbury, Herts., including two farms, one occupied by Mary Hill, widow of William Hill, and the other by Hannah Hill, at rents of 117*l.* and 205*l.* respectively, in tail male on himself for life, with remainders to his eldest son Samuel, now Sir Samuel, and the sons of the latter, viz., William, Samuel, Robert, George, since deceased without issue, and Thomas and their issue male successively, with remainder to the right of Sir William Thomson. William, the grandson, has issue Samuel, about the age of 13 years, his first son and heir. Sir Samuel and his son William have sold their interests in the said two farms to Joshua Lomax, of St. Alban's, Herts., Esq., for raising portions for younger children and payment of debts. The rest of the estate settled is worth 1,100*l.* a year. As the infant cannot get so liberal an allowance and education as is fit, it would be of advantage to him to have 3,000*l.* raised by the sale of the said two farms and invested in lands to be entailed upon him in present possession, to which Lomax



- 1701-1702. and the other persons interested have agreed, provided that Lomax gets 3,000*l.* of the purchase money and that the remainder is divided among Sir Samuel's surviving brothers. For this purpose the Bill vests the two farms in Joseph Thomson, Dormer Sheppard and Samuel Read, of London, merchants, as trustees, to sell them and dispose of the purchase money as agreed, placing Samuel's 3,000*l.*, pending the purchase of lands to be entailed on him and his heirs male with remainder to his brothers, out at interest in the orphans' fund or otherwise, the interest to be applied to his maintenance and education till the age of 21, or, if he die sooner, to those of his next brother; and after the purchase the rents are to be applied in the same way. The trustees are only to be chargeable for their own individual acts and only in case of wilful default. Then follows the usual general saving clause. The amendments were merely of a drafting nature. [Read 1<sup>a</sup> this day. The Bill was passed and sent to the Commons on 26 March. L. J., XVII. 56, 82. See Com. Book 21 and 24 March. In the Commons it was dropped after a First Reading. C. J., XIII. 838.]

Annexed:—

- (a) 3 March. Petition of Sir Samuel Thomson, Knt., William Thomson, his son and heir apparent, and Samuel, Robert and Thomas, sons of the said Sir Samuel. The Petition recites the settlement of 1680, the sale of the manor with its appurtenances, worth about 320*l.* per annum to Lomax for the lives of Sir Samuel and William Thomson, the want of a proper provision for the infant son of the latter and the arrangement agreed to, all as set out in the Bill above, and pray leave to bring in a Bill to vest the premises in trustees to be sold for the purposes stated in the Bill. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* as desired. L. J., XVI. 55.
- (b) 24 March. Paper of amendments made in the Select Committee this day. Com. Book.

1753. March 4. Barnewell's Estate Act.—Amended Draft of an Act for the enabling Abraham Barnewell to make a more ample settlement of his estate for the benefit of his family and to [charge]\* *sell* part thereof for raising portions for his younger children in his lifetime, and for payment of his debts. The Lords, in Select Committee, in addition to some drafting and clerical amendments, inserted the date for the commencement of the Act and the names of the trustees. The Commons made a clerical amendment and left out the word, charge, in the title and inserted the word, sell, C. J., XIII. 862, 874. [Read 1<sup>a</sup> this day. Royal Assent 25 May 1702. L. J., XVII. 56, 149. 1 Anne c. 77 in Long Cal. On 28 March, in the Select Committee, *Thomas Tidman* said the whole copyhold estate may be worth about 1,500*l.* Com. Book.]

Annexed:—

- (a) 3 March. Petition of Abraham Barnewell and Mary, his wife. On his marriage Barnewell settled an estate in Leicestershire on himself and his wife and their heirs male, chargeable after their deaths with portions for younger children, for the better securing whereof he surrendered a copyhold estate to trustees as collateral security, being not then in possession of the settled estate, as his mother was then living and had a jointure

\* Omission in square brackets ; addition in italics.

therein. Having contracted debts for raising his sisters' portions and for other purposes, and wishing to give his wife a jointure and charge his estate with the raising his children's portions during his life, prays leave to bring in a Bill for these purposes. *Signed* by the Petitioners. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 55. 1701-1702.  
—  
No. 1753.

(b) 28 March. Consent of Samuel Brewster to the Bill, the provisions of which it recites. He believes the Bill is for the benefit of Barnewell and his family. *Dated* 7 March. *Signed* S. Brewster. *Attested* by Thomas Tidman and Jermyn Rose. [Produced this day before the Select Committee. Com. Book.]

(c) 28 March. Paper of amendments made in the Select Committee this day. Com. Book.

1754. March 6. Hatton Garden Chapel (Weedon's) Bill.—Draft of a Bill for finishing the chapel in Hatton Garden. Whereas for several years last past there has been a stately shell or outside building erected and intended for a church in a very commodious place on the east side of Hatton Street, in the parish of St. Andrew's, Holborn, in the county of Middlesex, which said building was and is intended for a church for celebration of Divine Worship according to the usage of the Church of England, the parish church of St. Andrew's aforesaid being of late become too little to receive and accommodate all the inhabitants of the said parish by reason of the great increase of houses erected upon new foundations upon improved grounds within the said parish; and whereas the said building still remains useless in regard that nothing has ever been done to the inside of the said building in order to fit and accommodate the same for the celebration of Divine Worship; and whereas by an Act [3 Will. & Mary, c. 6, in Long Cal.] the said building or intended church, together with two pieces of ground intended and set apart for burying places to the said intended church with their appurtenances are vested in Simon, Lord Bishop of Ely and his successors for ever; and whereas Cavendish Weedon [Weeden], of Lincoln's Inn, Esq., has besought the said Bishop to give him leave to finish the said building and fit the said chapel for Divine Worship, and also from time to time to provide orthodox and able ministers to read the Common Prayer and to preach there every Lord's Day, both forenoon and afternoon, and also to read prayers there twice on every day in the week throughout the year; and whereas the said Bishop is very desirous to promote the service of God and to encourage the said Cavendish Weedon in his good intentions, and for that, upon a just computation had of the charge of finishing the said chapel, the same will amount to above 1,000*l.* whercof the said Mr. Weedon has undertaken the expense, desiring for so doing to be made secure of the right of patronage and donation of the said chapel and premises, whereunto the said Bishop has consented, it is enacted that it shall and may be lawful to and for the Lord Bishop of Ely to grant unto the said Cavendish Weedon, his heirs and assigns, the said chapel, ground and premises thereunto belonging, together with the free donation and sole power and privilege of providing orthodox clergymen to read prayers and to preach and administer the Blessed Sacraments therein according to the usage of the Church of England; and it is hereby declared that such lease or leases of the premises shall be good and conclusive of the present Lord Bishop of Ely and his successors, Bishops of the said See of Ely. [Read 1<sup>a</sup> this day. There do not appear to have been any further proceedings. L. J., XVII. 59.]



1701-1702.

Annexed :—

—  
No. 1754.

(a) 4 March. Petition of Cavendish Weeden, Esq., setting forth the circumstances detailed in the Bill above, and the arrangement made with the Bishop. Petitioner is advised that the lease offered by the Bishop will not be binding on his successors without a further Act of Parliament. Prays leave to bring in a Bill for corroborating the patronage and donation of the chapel. *Signed* Caven. Weeden. *Endorsed* as read this day. *Ordered* as desired. L. J., XVII. 57.

1755. March 7. Commission (Royal Assent).—Commission, under the Sign Manual, to the L. Keeper of the Great Seal, Charles, D. Somerset, L. President, William, D. Devon., L. Steward, Robert, E. Lindsey, L. Great Chamberlain, Charles, E. Carlisle, Earl Marshal, Thomas, E. Pembroke and Montgomery, L. High Admiral, Edward, E. Jersey, L. Chamberlain, and Charles, E. Manchester, one of the Principal Secretaries of State, to give the Royal Assent this day to several Bills. *Dated* this day. L. J., XVII. 61. *In extenso. Parchment Collection.*

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## APPENDIX.

THE JOURNAL OF THE  
PROTECTORATE HOUSE OF LORDS,  
FROM THE ORIGINAL MS.  
IN THE POSSESSION OF LADY TANGYE,  
OF COOMBE BANK, KINGSTON-ON-THAMES.

## JOURNALS OF THE HOUSE OF LORDS.

FROM THE 20TH OF JANUARY 1657 TO THE 22ND OF APRIL 1659.

## THE FORME of the WRITT of SUMONS.

OLIVER Lord Protector of the Coñonwealth of England Scotland and Ireland and the Dominions and territoryes therewith belonging To Our trusty and *wel\** beloved sonne *Lord* Richard Cromwell Greeting whereas by the advise and assent of Our Councell for certaine great and weighty affaires concerning Us, the State and Defence of the said Coñonwealth. We ordained Our p<sup>r</sup>sent Parliam<sup>t</sup> to be held at Our City of Westm<sup>r</sup>, the 17th Day of September in the yeare of Our Lord one thousand six hundred Fifty and six and there to consult and aduise w<sup>th</sup> the Knights Citizens and burgesses of Our said Coñonwealth, w<sup>ch</sup> Parliam<sup>t</sup> was then and there held and Continued vntill the six and twentieth Day of Junc last past and then adjourned vntill the xx<sup>th</sup> Day of January now next coming THEREFORE we Comaund and firmly enioyne you that Considering the difficulty of the said affaires and eminent Danger<sup>s</sup> all excuses being set aside you be psonally present at Westm<sup>r</sup> aforesaid the said twentieth Day of January next Coming, there to treat Conferre and giue yo<sup>r</sup> advise with Us and with the Great men and Nobles in and concerning the affaires aforesaid—and this as you loue O<sup>r</sup> hono<sup>r</sup> and safety and the Defence of the Coñonwealth aforesaid you shall in no wise omitt Witnes o<sup>r</sup>selfe at Westm<sup>r</sup> the nineth Day of December in the yeare of Our Lord one thousand six hundred Fifty and seven. The like writts were directed to the severall persons following viz<sup>t</sup>

Lord Henry Cromwell Deputy of Ireland  
Nathaniel Fiennes one of the Lords Com<sup>rs</sup> of the Great Seale  
John Lisle one of the Lords Com<sup>rs</sup> of the Great Seale  
Henry Laurence Presid<sup>t</sup> of y<sup>e</sup> Privy Councell  
Charles Fleetwood Lew<sup>t</sup> Gen<sup>ll</sup> of y<sup>e</sup> Army  
Robert Earle of Warwick  
Edward Earle of Manchester

\* Insertions or what appear to be insertions in the original MS. are printed in italics. Omissions are shown in square brackets. A few obvious omissions in the original MS. have been inserted. They are printed in small capitals within brackets.



Edmond Earle of Mulgraue  
 Daud Earle of Cassills  
 W<sup>m</sup> Lord Visc<sup>t</sup> Say and Seale  
 Tho Lord Falconberge  
 Charles Lord Visc<sup>t</sup> Howard  
 Phillip Lo: Visc<sup>t</sup> Lisle  
 Sr Gilt Pickering barronet  
     Chambten of his Highnes houshold  
 George Lord Evers  
 Phillip Lord Wharton  
 Roger Lord Broghill  
 William Pierrepont esq<sup>r</sup>  
 John Lo. Cleypole M<sup>r</sup> of the Horse to his Highnes  
 Sr Bulstrode Whitelocke one of y<sup>e</sup> Lords Com<sup>rs</sup> of y<sup>e</sup> Trëary  
 John Disbrow one of y<sup>e</sup> Gen<sup>lls</sup> of the Fleet  
     Edward Montagu on of y<sup>e</sup> Generalls of y<sup>e</sup> Fleet and one of the  
     Lords Com<sup>rs</sup> of y<sup>e</sup> Trëary.  
 George Monck Comaunder in cheife of y<sup>e</sup> forces in Scotland  
 John Glynne cheife Justice assigned to hold pleas before his  
     Highnes in the Vpper bench  
 W<sup>m</sup> Lenthall M<sup>r</sup> of y<sup>e</sup> Rolls in Chauncery  
 Oliver St John cheife Justice of y<sup>e</sup> Court of Comon pleas  
 W<sup>m</sup> Steele Chancellor of Ireland  
 Sr Charles Wolseley barronet  
 W<sup>m</sup> Sidenham one of y<sup>e</sup> Lords Com<sup>rs</sup> of the Trëary  
 Phillip Skippon esq<sup>r</sup>  
 Walter Strickland esq<sup>r</sup>  
 Francis Rous esq<sup>r</sup>  
 Phillip Jones esq<sup>r</sup> Comptroller of his Highnes Honshold  
 John Fiennes esq<sup>r</sup>  
 Sr John Hobart barr<sup>t</sup>  
 Sr Gilt Gerrard barr<sup>t</sup>  
 Sr Arthur Heselrigge barr<sup>t</sup>  
 Sr Francis Russel barr<sup>t</sup>  
 Sr W<sup>m</sup> Strickland k<sup>t</sup> and barr<sup>t</sup>  
 Sr Rich. Onslow k<sup>t</sup>  
 Edward Whalley Com<sup>ry</sup> Gen<sup>ll</sup> of y<sup>e</sup> horse  
 Alexander Popham esq<sup>r</sup>  
 John Crew esq<sup>r</sup>  
 Sr W<sup>m</sup> Lockhart k<sup>t</sup>  
 Rich. Hampden esq<sup>r</sup>  
 Sr Tho. Honiwood k<sup>t</sup>  
 Sr W<sup>m</sup> Roberts k<sup>t</sup>  
 Sr Archibald Johnston of Warreston  
 Rich. Ingoldsby esq<sup>r</sup>  
 Sr Chr. Pack k<sup>t</sup>  
 Sr Ro. Tichburn  
 John Jones esq<sup>r</sup>  
 Sr Tho. Pride  
 Sr Jo. Barkstead k<sup>t</sup> Lew<sup>t</sup> of t[HE] Tower of London  
 Sr Geo Fleet[WOOD]  
 Sr Mathew Tomlinson k<sup>t</sup>  
 Sr John Hewson k<sup>t</sup>  
 Edmond Thomas esq<sup>r</sup>  
 James Berry esq<sup>r</sup>  
 W<sup>m</sup> Goffe esq<sup>r</sup>  
 Thomas Co[OPER]

The Names of such Lords as haue Delivered in their Writts of Sumons to this present Parliamt

insert ye names of  
the persons sworne.

The Parliament begun and held at Westmr the 17th Day of September 1657 being adjourned by Act of Parliamt vntill this present xxth Day of January 1657, His Highness the Lord Protector having according to the Humble addiconall and explanatory Petiçon and Advice caused Writts of Sumons to be yssued to diverse hono<sup>ble</sup> Persons to Sitt in this House, retornable this Day, about nine of the Clock in the Morning there came into the Little roome within the Painted Chamber, the Lord Comissioner Fyennes and the Lord Com<sup>r</sup> Lisle, Lords Comissioners of the Great Seale, the Lord President of his Highnes Councill, Gen<sup>ll</sup> John Disbrowe, Phillip Jones esq<sup>r</sup> Comptroller of his Highnes Household and Sir Bulstrode Whitelock k<sup>t</sup> Constable of the Castle of Windsor and one of the Lords Com<sup>rs</sup> of his Highnes Treasury vnto whom (w<sup>th</sup> others) a Coñmission vnder the Great Seale was Directed authorizing them or any three or more of them to administer to the persons called to sitt in this house the Oath Directed by the said humble addiconall and explanatory Petiçon and Advise. W<sup>ch</sup> Coñmission being read by the Clerke of the Coñmonwealth in Chauncery the said Oath was first taken by the Lord Coñmissioner Fyennes; the Lord Com<sup>r</sup> Lisle, and the Lord President of his highnes Councill and then adminstred by them vnto the rest of the Commissioners present and afterwards was taken in their presence by

The Lord Richard Cromwell

Charles Fleetwood Leiv<sup>t</sup> Generall of the Army

Tho. Lord Faulconberge

Charles Lo. Visc<sup>t</sup> Howard

Phillip Lo. Visc<sup>t</sup> Lisle

George Lord Evre

Roger Lord Broghill

John Lord Cleypole M<sup>r</sup> of the Horse to his Highnes

Edward Montagu One of the Generalls of y<sup>e</sup> Fleet and one of the Lords Comission<sup>rs</sup> of the Treasury

John Glynne Cheife Justice assigned to hold Pleas before his Highnes in y<sup>e</sup> vpper Bench

W<sup>m</sup> Lenthall M<sup>r</sup> of y<sup>e</sup> Rolles

S<sup>r</sup> Charles Wolseley bart<sup>t</sup>

W<sup>m</sup> Sydenham one of y<sup>e</sup> Lords Com<sup>rs</sup> of y<sup>e</sup> Trẽary

Phillip Skippon esq<sup>r</sup>

Walter Strickland esq<sup>r</sup>

John Fyennes esq<sup>r</sup>

S<sup>r</sup> John Hobart bart<sup>t</sup>

S<sup>r</sup> Fran: Russell bart<sup>t</sup>

S<sup>r</sup> W<sup>m</sup> Strickland k<sup>t</sup> and bart<sup>t</sup>

S<sup>r</sup> Rich. Onslow k<sup>t</sup>

Edward Whalley Com<sup>ry</sup> of the Horse

Richard Hampden esq<sup>r</sup>

S<sup>r</sup> Tho: Honywood k<sup>t</sup>



Sr W<sup>m</sup> Roberts k<sup>t</sup>  
 Rich. Ingoldsby esq<sup>r</sup>  
 Sr Ch<sup>r</sup>. Pack k<sup>t</sup>  
 Sr Rob Tichburne k<sup>t</sup>  
 John Jones esq<sup>r</sup>  
 Sr Thomas Pride k<sup>t</sup>  
 Sr John Barkstead k<sup>t</sup> Leiv<sup>t</sup> of y<sup>e</sup> Tower of London  
 Sr Geo: Fleetwood k<sup>t</sup>  
 Sr John Hewson k<sup>t</sup>  
 Edmon Thomas esq<sup>r</sup>  
 William Goffe esq<sup>r</sup>  
 Thomas Cooper esq<sup>r</sup>

The Tenor of the Comission for administring the Oath  
aforesaid was as followeth

Here insert it.

Wednesday the 20<sup>th</sup> of January 1657

His Highnes the Lord Protector

The names of the Lords present this day

*Lord* Richard [Lord] Cromwell

Nathaniel Lord Fyennes one of the Lord Com<sup>rs</sup> of the Great  
Seale

John Lord Lisle one of the Lords Com<sup>rs</sup> of the Great Seale

Henry Lord Lawrence President of his Highnes Councell

Charles Lord Fleetwood Leiv<sup>t</sup> Generall of the Army

Thomas Lord Faulconberge

Charles Lo. Visc<sup>t</sup> Howard

Phillip Lo. Visc<sup>t</sup> Lisle

George Lord Evre

Roger Lord Broghill

John Lord Cleypole Mr of the Horse to his Highnes

Bulstrode Lord Whitelock one of the Lords Com<sup>rs</sup> of the  
Treasury

John Lord Disbrow one of the Generalls of the Fleet

Edward Lord Montagu one of y<sup>e</sup> Generalls of the Fleet and  
one of y<sup>e</sup> Lords Com<sup>rs</sup> of the Treasury

John Lord Glynne Cheife Justice of the vpper bench

William Lord Lenthall Master of the Rolles

Charles Lord Wolseley

W<sup>m</sup> Lord Sydenham one of the Lords Com<sup>rs</sup> of y<sup>e</sup> Trẽary

Phillip Lord Skippon

Walter Lord Strickland

Phillip Lord Jones Comptroller of his Highnes Household

John Lord Fyennes

John Lord Hobart

Francis Lord Russell

William Lord Strickland

Richard Lord Onslow

Edward Lord Whalley Coñissary Generall of the Horse

Richard Lord Hampden  
 Thomas Lord Honnywood  
 William Lord Roberts  
 Richard Lord Ingoldesby  
 Christopher Lord Pack  
 Robert Lord Tichburne  
 John Lord Jones  
 Thomas Lord Pride  
 John Lord Barkstead Leiv<sup>t</sup> of the Tower of London  
 George Lord Fleetwood  
 John Lord Hewson  
 Edmond Lord Thomas  
 William Lord Goffe  
 Thomas Lord Cooper

His Highnes being set in his Chayre of State and the Lords sitting in their places, the Howse of Coñmons were sent for; and being come with their Speaker to the Barre His Highnes spake to them to this effect.

Here enter the Speach.

Then the Lord Com<sup>r</sup> Fyennes standing by the [CHAIR OF] State on the right hand made a Speach to the effect following.

here ent<sup>r</sup> y<sup>e</sup>  
 speach

Which being ended the Coñmons w<sup>th</sup> their Speaker retorned vnto their house and his Highnes Departed

ORDERED That all the Members of this House who haue not this Day delivered in their Writts of Suñmons Doe bring them into the house tomorrow or as soone as they may to the end an entry of them may be made by the Clerke and then the same to be retorned.

The Lord Com<sup>r</sup> Fyennes by direcçõn of the house declared this present Parliam<sup>t</sup> to be continued till to morrow nine of the Clock in the morning.

Thursday the 21<sup>th</sup> of January 1657.

Present

*Lord* Richard [Lord] Cromwell  
 Nathaniel Lord Fyennes one of the Lords Com<sup>rs</sup> of the Great Seale  
 John Lord Lisle one of y<sup>e</sup> Lords Com<sup>rs</sup> of y<sup>e</sup> Great Seale  
 Henry Lord Lawrence Lord Presid<sup>t</sup> of the Councell  
 Charles Lord Fleetwood Leiv<sup>t</sup> Gen<sup>ll</sup> of the Army  
 Thomas Lord Faulconberge  
 Charles Lo. Visc<sup>t</sup> Howard  
 Phillip Lord Visc<sup>t</sup> Lisle  
 George Lord Eure  
 Roger Lord Broghill  
 John Lord Cleypole M<sup>r</sup> of the Horse to his Highnes  
 Bulstrode Lord Whitelock one of the Lords Com<sup>rs</sup> of the Treáry



John Lord Disbrowe one of the Generalls of the Fleete  
 Edward Lord Montagu One of the Generalls of the Fleet and  
 one of the Lords Com<sup>rs</sup> of the Trẽary  
 John Lord Glynn Cheife Justice of the Vpper bench  
 William Lord Lenthall Mr of the Rolles.  
 Charles Lord Wolseley  
 W<sup>m</sup> Lord Sydenham One of the Lords Com<sup>rs</sup> of y<sup>e</sup> Trẽary  
 Phillip Lord Skippon  
 Walter Lord Strickland  
 Phillip Lord Jones Comptroller of his Highnes Household  
 John Lord Fyennes  
 John Lord Hobart  
 Francis Lord Russell  
 William Lord Strickland  
 Richard Lord Onslow  
 Edward Lord Whalley Com<sup>ry</sup> Generall of the Horse  
 Richard Lord Hampden  
 Thomas Lord Honywood  
 William Lord Roberts  
 Richard Lord Ingoldsby  
 Chr. Lord Pack  
 Robert Lord Tichburne  
 John Lord Jones  
 Thomas Lord Pride  
 John Lord Barkstead Leiv<sup>t</sup> of the Tower of London  
 George Lord Fleetwood  
 John Lord Hewson  
 Edmond Lord Thomas  
 William Lord Goffe  
 Thomas Lord Cooper

This Day James Lord Berry having taken the Oath in the roome  
 within the painted Chamber in p<sup>r</sup>sence of Henry Lord Lawrence Lord  
 Presid<sup>t</sup> of the Councell John Lord Disbrowe Bulstrode Lord Whitelock  
 and Phillip Lord Jones fower of the Com<sup>rs</sup> came in to the house and  
 tooke his place next to Joh. Lord Hewson on the bench in the second  
 Rowe on the Left hand.

Mr John Rowe Preacher of Westm<sup>r</sup> prayed in the house

The Lord Com<sup>r</sup> Fyennes tooke his place as Speaker and moved the  
 house to appoint one or more Ministers to pray in the house every Day  
 of sitting.

ORDERED That Mr Hooke, Mr Howe, Mr Lockyer, Mr Peters,  
 Mr Sterry, and Mr Rowe, of Westm<sup>r</sup> be Desired to pray in this house  
 every Day in their turnes.

ORDERED That Wednesday next be appointed to be kept by this  
 house as a Day of Fasting and humiliation

ORDERED That Dr Reynolds, Mr Caryll and Mr How be Desired  
 to assist in Carrying on the worke of the Day of Fasting and humiliation  
 in this house on Wednesday next.

The Question being put whither any more Minister<sup>s</sup> shalbe added it  
 passed in the negative.

ORDERED that the Day of Fasting and humiliation on Wednesday  
 next be kept in this house.

ORDERED That the Gentleman Usher Doe giue notice to the  
 severall Ministers who are to assist on the day of Fasting and  
 humiliation on Wednesday next

The Names of the Lords Committees for the Priuiledges of the House.

*Lord* Richard [Lord] Cromwell

John Lord Lisle

Henry Lord Lawrence

Charles Lord Fleetwood

Lord Faulconberge

Lord Visc<sup>t</sup> Lisle

Lord Evre

Lord Broghill

Lord Cleypoole

Lord Whitelock

Lord Disbrowe

Lord Glynne

Lord Lenthall

Lord Wolseley

Lord Onslow, These Lords or any five or more of them are to meet to-morrow at three of the Clock in the afternoone in the Chamber on the Left side of the house and when else they please.

Mr Justice Hales

Mr Justice Windham

Mr Justice Newdegate

} to assist

The Names of the Lords Comittees for Petiçõns

*Lord* Richard [Lord] Cromwell

Lord Presid<sup>t</sup> of y<sup>e</sup> Councell

Lord Viscount Howard

John Lord Disbrowe

Lord Montagu

Lord Glynne Cheife Justice

Lord Wolseley

Lord Sydenham

Lord Skippon

Walter Lord Strickland

Phillip Lord Jones

John Lord Eyennes

Lord Hobart

William Lord Strickland

Lord Hampden

Lerd Roberts

Lord Ingoldsby

Lord Pack

Lord Tichburne

Lord Pride

Lord Hewson

Lord Berry

Lord Goffe

Lord Cooper, These Lords or any five or more of them are to haue the same powers that formerly Comittees for Peticons had and are to meet to morrow in the afternoone at three of the Clock in the Roome next the house on the Right hand

Mr Baron Parker

Mr Justice Newdegate

Mr Baron Hill

} to assist



ORDERED That the Com̃ittee for Priviledges Doe appoint a Sub Com<sup>tee</sup> from time to time to pvsce the entryes in the Journalls of this house and see the same be rightly entred.

The humble Peti<sup>ti</sup>ōn of Nicholas Corsellis of London Merchant was this Day read together with a Certificate therevnto annexed

To the Right Hono<sup>ble</sup> the Lords in Parliamēt assembled

The humble Peti<sup>ti</sup>ōn of Nicholas Corsellis of London Merchant  
Most humbly sheweth

That your Lopps Peti<sup>ti</sup>ōner being a Native of this Comōn-wealth did about thirty yeares since Marry Susan Baldey Daughter of Peter Baldey of Leyden in the Netherlands by whom he hath had divers Children borne in London, and your peti<sup>ti</sup>ōner hath ever since lived in this Comonwealth and beene faithfull thereunto, and beene imployed in seuerall Publique seruices wherein he hath indeauoured to approve himselfe in all faithfulness.

Your Lopps Peti<sup>ti</sup>ōner doth humbly pray your Lopps fauour that a Bill may be admitted for Naturalizing your Peti<sup>ti</sup>ōners said Wife who is a Protestant

And your Peti<sup>ti</sup>ōner and his wife and children shall  
(as in duty bound) ever pray for your Lopps.

Nicholas Corsellis.

These are humbly to certify That Susanna Balde wife of Mr Nicolas Corsellis is a true Protestant, and member of our Dutch Congrega<sup>ti</sup>ōn in London, and doth duely frequent the administra<sup>ti</sup>ōn of Gods holy word and Sacraments in the same and leadeth an Exemplary life answerable to that holy Profession Witnes in London this 19<sup>th</sup> of January 1657. Stylo Angliae.

Cesar Cahudrin  
Minister.

ORDERED That the Petitioner haue leaue to present a Bill to this house for the Naturalizu<sup>ti</sup>ōn of his wife.

The Lord Com<sup>r</sup> Fyennes by direction of the house Declared this present Parliam<sup>t</sup> to be Continued till to morrow nine of the Clock in the morning.

FRIDAY 22 JANUARY 1657.

Present

p<sup>nt</sup> Lord Richard [Lord] Cromwell

p<sup>nt</sup> Nathaniel Lord Fyennes one of the Lords Com<sup>rs</sup> of the great Seale

p<sup>nt</sup> John Lord Lisle one of the Lords Com<sup>rs</sup> of the Great Seale

p<sup>nt</sup> Henry Lord Laurence President of his Highnesse Councill  
Charles Lord Fleetwood Lieu<sup>t</sup> G<sup>ral</sup> of the Army

p<sup>nt</sup> Thomas Lord Faulconberge

p<sup>nt</sup> Charles Lord Vicount Howarde

p<sup>nt</sup> Phillip Lord Viscount Lisle

p<sup>nt</sup> George Lord Evre

p<sup>nt</sup> Roger Lord Broghill

p<sup>nt</sup> John Lord Cleypole M<sup>r</sup> of the horse to his Highnesse

p<sup>nt</sup> Bulstrode Lord Whitelock one of the Lords Com<sup>rs</sup> of the Treāry.

pñt John Lord Disbrough [one of the Generalls of the Fleet and  
one of the Lords Com<sup>rs</sup> of the Trẽary]

Edward Lord Mountag

pñt John Lord Glynne Chiefe Justice of the Vpper Bench

pñt Willm̃ Lord Lenthall Mr of the Rolls

pñt Charles Lord Wolseley

pñt Willm̃ Lord Sydenham one of the *Lords* Com<sup>rs</sup> of the Trẽary

pñt Phillip Lord Skippon

pñt Walter Lord Strickland

pñt Phillip Lord Jones Comptroller of his Highnes household

pñt John Lord Eyennes

pñt John Lord Hobart

pñt Franeis Lord Russell

pñt Willm̃ Lord Strickland

pñt Riehard Lord Onslow

pñt Edward Lord Whalley Com<sup>ry</sup> Gřal of the horse

pñt Riehard Lord Hampden

pñt Thomas Lord Honywood

pñt Willm̃ Lord Roberts

pr Richard Lord Ingoldsby

pñt Chř. Lord Pack

pñt Robt Lord Titeburne

pñt John Lord Jones

pñt Thomas Lord Pride

pñt John Lord Barkstead Lieu<sup>t</sup> of the Tower of London

př George Lord Fleetwood

pñt John Lord Hewson

pñt Edmond Lord Thomas

pñt Willm̃ Lord Goffe

pñt Thomas Lord Cooper

Mr Peters prayed in the house

ORDERED That it be referred to some of the Lords the Judges to prepare a Bill for making intailed lands liable to the paym<sup>t</sup> of Debts with such iust and necessary limitaeons and pũisions as shalbe thought fitt

Mr Justice Hales

Mr Justice Windham

Mr Justice Newdegate

} to prepare this Bill

An Aet for the better levying the Penalties for profanation of the Lords Day was this Day read the first time and ordered to be read the second time on Tuesday next.

It was moved and seconded that there may be a day of publique Fasting and humiliacõn throughout the three Nations and therevppon a vote passed vppon the Question

That this house doth Desire the House of Coũons to ioyne with them in an humble addresse to his Highnes the Lord Protector that his Highnes will be pleased to appoint a Day of Solemne Fasting and humiliation throughout the three Nations.

Mr Justice Windham and Mr Baron Hill were sent to the house of Coũons with this Message

The house was adjourned for halfe an hower.

The house was resumed.

The Lord Com<sup>r</sup> Eyennes by direecõn of the house Declared that this p<sup>r</sup>sent Parliam<sup>t</sup> is Continued till to morrow nine of the Cloek in the morning.



## SATURDAY 23 JANUARY 1657.

The names of the Lords P<sup>r</sup>sent this Day.

- pr *Lord Richard [Lord] Cromwell*
- pr Nathaniel Lord Fyennes one of the Lords Com<sup>rs</sup> of the Great Seale
- pr John Lord Lisle one of the Lords Com<sup>rs</sup> of the Great Seale
- pñt Henry Lord Laurence Lord President of the Councell
- Charles Lord Fleetewood Lieut<sup>t</sup> G<sup>r</sup>al of the Army
- Thomas Lord Faulconberge
- Charles Lord Viscount Howard
- Phillip Lord Viscount Lisle
- pnt George Lord Evre
- pñt Roger Lord Broghill
- pñt John Lord Cleypoole M<sup>r</sup> of the horse to his Highnes
- pnt Bulstrode Lord Whitelock one of the Lords Com<sup>rs</sup> of the Tréary
- pnt John Lord Disbrough one of the G<sup>r</sup>als of the Fleete
- pnt *Edward Lord Montague one of y<sup>e</sup> grals of the Fleete* and one of the Lords Co<sup>m</sup>issioners of the Tréary
- John Lord Glynn Chiefe Justice of the Vpper Bench
- pñt Willm Lord Lenthall M<sup>r</sup> of the Rolles
- pnt Charles Lord Wolseley
- Willm Lord Sydenham one of the Lords Com<sup>rs</sup> of the Tréary
- pñt *Phillip Lord Skippon*
- Walter Lord Strickland*
- Phillip Lord Jones*
- pnt *John Lord Fyennes*
- pnt *John Lord Hobart*
- pnt *Francis Lord Russell*
- pnt [Phillip Lord Skippon]
- pnt W<sup>m</sup> Lord Strickland
- pñt Richard Lord Onlow
- pnt Edward Lord Whalley Co<sup>m</sup>issary G<sup>r</sup>al of y<sup>e</sup> horse
- pñt Richard Lord Hampden
- pñt Thomas Lord Honywood
- Willm Lord Roberts
- pñt Richard Lord Ingoldsby
- pñt Chr. Lord Pack
- pñt Robt Lord Titchburne
- pñt John Lord Jones
- Thomas Lord Pride
- pnt John Lord Barkstead Lieuteñt of the tower
- pnt George Lord Fleetewood
- pnt John Lord Hewson
- pnt Edmond Lord Thomas
- pnt Willm Lord Goffe
- pñt James Lord Berry
- Thomas Lord Cooper

Mr Hooke prayed

Mr Justice Wyndham and Mr Baron Hill who were yesterday sent with a Message to the house of Co<sup>m</sup>ons report that according to the Co<sup>m</sup>aunds of this house they did yesterday waite on the house of Co<sup>m</sup>ons and sent in by the S<sup>r</sup>t to acquaint the Speaker they had a Message from the Lords and after about an howers attendance being

called in they did acquaint that house w<sup>th</sup> the Message and then retired and after some stay were called in againe and received this Answer That that house would send an Answer by Messengers of their owne.

The house being acquainted that the Co<sup>m</sup>mittee for priuiledges did not meet yesterday and so are sine die, it was moved that they may haue another Day appointed and then be enioyned to meete.

ORDERED that the Lord Whalley, Phillip Lord Jones and the Lord Barkstead be added to the Co<sup>m</sup>mittee for priuiledges

ORDERED That the Co<sup>m</sup>mittee for priuiledges Doe meet in the same place on Tuesday next at three of the Clock in the afternoone

ORDERED that the Co<sup>m</sup>mittee for priuiledges Doe at their next meeting peruse the Rolle of Orders of this House w<sup>ch</sup> was vsually read at the begining of every Parliam<sup>t</sup> and prepare these Orders to be brought in and read on Thursday morning next

The Lord Com<sup>r</sup> Fyennes by Direc<sup>con</sup> of the house Declared this P<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill Munday morning next at nine of the Clock.

ex<sup>d</sup> so far

Munday 25 January 25<sup>th</sup> 1657.

The names of the Lords p<sup>r</sup>sent this day.

p<sup>nt</sup> Lord Richard [Lord] Cromwell  
 p<sup>nt</sup> Nathaniel Lord Fyennes one of the Lords Com<sup>rs</sup> of the great Seale  
 p<sup>nt</sup> John Lord Lisle one of the Lords Com<sup>rs</sup> of the great Seale  
 p<sup>nt</sup> Henry Lord Laurence President of his Highnes Councell  
 Charles Lord Fleetewood Lieu<sup>t</sup> G<sup>ral</sup> of the Army  
 p<sup>nt</sup> Thomas Lord Faulconberge  
 Charles Lord Viscount Howard  
 p<sup>nt</sup> Philip Lord Viscount Lisle  
 p<sup>nt</sup> George Lord Evre  
 p<sup>nt</sup> Roger Lord Broghill  
 p<sup>nt</sup> John Lord Cleypoole M<sup>r</sup> of the horse to his Highnes  
 p<sup>nt</sup> Bulstrode Lord Whitelock one of the Lords Com<sup>rs</sup> of the Tréary  
 John Lord Disbrow one of the Generalls of the Fleet  
 p<sup>nt</sup> Edward Lord Montagu one of the G<sup>ral</sup>s of the Fleete and  
 one of the Lords Com<sup>rs</sup> of the Tréary  
 John Lord Glynn Chiefe Justice of the Vpper bench  
 p<sup>nt</sup> Will<sup>m</sup> Lord Lenthall M<sup>r</sup> of the Rolles  
 Charles Lord Wolseley  
 Will<sup>m</sup> Lord Sydenham one of the Lords Com<sup>rs</sup> of the Tréary  
 p<sup>nt</sup> Phillip Lord Skippon  
 p<sup>nt</sup> Walter Lord Strickland  
 p<sup>nt</sup> Phillip Lord Jones Comptroller of his Highnes Household  
 p<sup>nt</sup> John Lord Fyennes  
 p<sup>nt</sup> John Lord Hobart

(O. 14.)

K K



pñt Francis Lord Russell  
 pñt Willm Lord Strickland  
 pñt Richard Lord Onslow  
     Edward Lord Whalley Comissary Gřal of the horse  
     Richard Lord Hampden  
 pñt Thomas Lord Honyword  
 pñt Willm Lord Roberts  
 pñt Richard Lord Ingoldesby  
 pñt Chř. Lord Pack  
 pñt Robt Lord Titehburne  
 pñt John Lord Jones  
 pñt Thomas Lord Pride  
     John Lord Barkstead Lieutenñt of the Tower of London  
 pñt George Lord Fleetewood  
     John Lord Hewson  
 pñt Edmond Lord Thomas  
 pñt James Lord Berry  
 pñt Willm Lord Lord Goffe  
 pñt Thomas Lord Cooper  
     Mr Lockyer prayd

ORDERED in respect of the busines of the Terme that the attendance of the Lords the Judges in this house be Dispensed with During the Terme vnles they shalbe sent for by this house

The Lord Comr Fyennes acquaints the house that his Lopp hath received a Lře from his Highnes the Lord Protector to be Coñmunicated to the house w<sup>ch</sup> Letter was read being Directed thus.

To Our Right Trusty and Right welbeloued the Lord Fyennes Comr of the Great Seale and Speaker of in Our House of Lords to be Coñmunicated to the House these.

Right Trusty and Welbeloued, We greet you well, We having some busines of great importance relating to the přsent Peace and safety of these Nations to coñmunicate to both Howses of Parliamt, Doe for that end Desire the Howse of Lords to giue Vs a meeting at the Banquetting Howse at Whitehall at thre of the Clock this afternoone and so we rest

Yor loving Freind  
 OLIVER P.

25<sup>th</sup> of January  
 1657.

ORDERED That the Lords Doe attend his Highnes in the Banquetting house [at] in Whitehall at thre of the Clock this afternoone.

An Act for naturalizing Susanna Baldé wife of Nicholas Corsellis of London Merchant was this Day read the first time and ordered to be read the second time on Thursday next

The Lord Comr Fyennes by direction of the house adjourned the House to the Banquetting house at Whitehall at thre of the Clock this afternoone and so from thence to this place to morrow at nine of the Clock in the morning.

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This Day the house mett about thre of the Clock in the afternoone [at] in the Banquetting house at Whitehall where the house of Coñmons with their Speaker were present, and his Highnes coñing thither attended by the Officers of State addressed his Speech to both

Houses [in these words] *w<sup>ch</sup> being ended his Highnes withdrew and both houses Departed*

[Here insert  
ye Speech]

Tuesday the 26<sup>th</sup> of January 1657.

p<sup>rsnt</sup> *Lord* Richard [Lord] Cromwell  
 pñt Nathaniel Lord Fyennes one of y<sup>e</sup> Lords Com<sup>rs</sup> of the Great  
     Seale  
 pñt John Lord Lisle one of the Lords Com<sup>rs</sup> of y<sup>e</sup> Great Seale  
 pñt Hen. Lord Lawrence Presid<sup>t</sup> of his Highnes Councell  
 [pñt] Charles Lord Fleetwood Leiv<sup>t</sup> Gen<sup>ll</sup> of the Army  
 pñt Tho. Lord Faulconberge  
 pñt Charles Lo. Visc<sup>t</sup> Howard  
 pñt Phillip Lord Visc<sup>t</sup> Lisle  
 pñt George Lord Evre  
 pñt Roger Lord Broghill  
 pñt John Lord Cleypole M<sup>r</sup> of the horse to his Highnes  
 pñt Bulstrode Lord Whitelock one of y<sup>e</sup> Lords Com<sup>rs</sup> of y<sup>e</sup> Trêary  
 pñt John Lord Disbrowe one of y<sup>e</sup> Gen<sup>lls</sup> of the Fleet  
 pñt Edward Lo. Montagu one of y<sup>e</sup> Gen<sup>lls</sup> of y<sup>e</sup> Fleet and one of y<sup>e</sup>  
     Lords Com<sup>rs</sup> of the Treary  
     John Lord Glynne Cheife Justice of the Vpper Bench  
 pñt William Lord Lenthall M<sup>r</sup> of the Rolles  
 pñt Charles Lord Wolseley  
     W<sup>m</sup> Lo. Sydenham one of y<sup>e</sup> Lords Com<sup>rs</sup> of y<sup>e</sup> Trêary  
 pñt Phillip Lord Skippon  
 pñt Walter Lord Strickland  
 pñt Phillip Lord Jones Comptroller of his Highnes Household  
 pñt John Lord Fyennes  
 pñt John Lord Hobart  
 pñt Francis Lord Russell  
 pñt Willm Lord Strickland  
 pñt Richard Lord Onslow  
 pñt Edward Lord Whalley Com<sup>ry</sup> G<sup>ral</sup> of the horse  
 pñt Richard Lord Hampden  
 pñt Thomas Lord Honywood  
 pñt Willm Lord Roberts  
 pñt Richard Lord Ingoldsby  
 pñt Ch<sup>r</sup>. Lord Pack  
 pñt Robt Lord Titchburne  
     John Lord Jones  
 pñt Thomas Lord Pride  
 pñt John Lord Barkstead Lieutenñt of the tower of London  
 pñt George Lord Fleetwood  
 pñt John Lord Hewson  
 pñt Edmond Lord Thomas  
 pñt James Lord Berry  
 pñt Willm Lord Goffe  
 pñt Thomas Lord Cooper

M<sup>r</sup> Sterry prayed in the House



The Lord Fyennes excuseth the absence of the M<sup>rs</sup> of the Chauncery in respect of the busines of the Terme

An Act for the better levying the penalties for profanation of the Lords Day was this Day read the second time and severall excep<sup>co</sup>ns taken therevnto and vppon the Question Co<sup>m</sup>mitted to

Lord Lisle one of the Lords Com<sup>rs</sup> for the Greate seale

Lord Presid<sup>t</sup> of the Councell

Charles Lord Fleetwood

Lo. Faulconberge

Lo. Visc<sup>t</sup> Lisle

Lo. Disbrowe

Lo. Montagu

Lord Lenthall

Lord Skippon

Phillip Lord Jones

John Lord Fyennes

Lord Hobart

Wm Lo. Strickland

*Lord Onslow*

Lord Whalley

Lo. Hampden

Lo. Titchburne

Lo. Barkstead

Geo. Lord Fleetwood

Lord Hewson

Lord Goffe or any four of them and are to meete this afternoone in the roome called the Princes lodgings at three of the Clock.

Mr Justice Hales	} to be assisting
Mr Justice Atkins	
Mr Baron Hill	

ORDERED That the same Co<sup>m</sup>mittee Doe take into Considera<sup>co</sup>n the Lawes against swearing and Drunkennes and to bring in a Bill to supply the Defects in these Lawes and for the better execu<sup>co</sup>n of them.

A mo<sup>co</sup>n was made that a day may be appointed for calling y<sup>e</sup> house

The Question being put whither a Question be put at this time for calling the howse and it being doubtfull which way it was carried [Generall] *the Lord* Disbrow and [Gen<sup>ll</sup>] *y<sup>e</sup> Lord* Montagu were named to count the Votes and vppon the Pole it was found to be with the affirmatiue and vppon Question it was

ORDERED That a Day be appointed for calling the house

ORDERED That Tuesday next be appointed for calling the house

That the Repo<sup>t</sup> of his Highnes Speech yesterday to both howses be made on Thursday next

The Lord Com<sup>r</sup> Fyennes by direc<sup>co</sup>n of the howse Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow morning nine of the Clock.

Wednesday 27<sup>th</sup> of January. 1657.

pr *Lord* Richard [Lord] Cromwell

pr Nath<sup>ll</sup> Lord Fyennes one of y<sup>e</sup> Lords Com<sup>rs</sup> of the Great Seale

pr John Lord Lisle one of y<sup>e</sup> Lords Com<sup>rs</sup> of the Great Seale

pr Hen. Lord Lawrence Presid<sup>t</sup> of his Highnes Privy Councell

pr Charles Lord Fleetwood Lew<sup>t</sup> Generall of the Army

pr Tho. Lord Falconberge  
     Charles Lo. Visc<sup>t</sup> Howard  
 pr Phillip Lord Visc<sup>t</sup> Lisle  
 pr George Lord Evre  
 pr Roger Lord Broghill  
 pr John Lord Cleypole M<sup>r</sup> of the Horse to his Highnes  
 pr Bulstrode Lo. Whitelock one of the Lords Com<sup>rs</sup> of y<sup>e</sup> Treary  
 pr John Lord Disbrowe one of y<sup>e</sup> Gen<sup>ls</sup> of the Fleet  
 pr Edward Lo. Montagu one of y<sup>e</sup> Gen<sup>ls</sup> of the Fleet and one of y<sup>e</sup>  
     Lords Com<sup>rs</sup> of the Treary  
 pr John Lord Glynn cheife Justice of y<sup>e</sup> Vpper bench  
 pr William Lord Lenthall M<sup>r</sup> of the Rolles  
 pr Charles Lord Wolseley  
     W<sup>m</sup> Lo. Sydenham one of y<sup>e</sup> Lords Com<sup>rs</sup> of y<sup>e</sup> Treary  
 pr Phillip Lord Skippon  
 pr Walter Lord Strickland  
 pr Phillip Lord Jones Comptroller of his Highnes houshold  
 pr John Lord Fyennes  
 pr John Lord Hobart  
     Francis Lord Russell  
 pr William Lord Strickland  
 pr Richard Lord Onslow  
 pr Edward Lord Whalley Com<sup>ry</sup> Gen<sup>ll</sup> of the Horse  
 pr Richard Lord Hampden  
 pr Thomas Lord Honiwood  
 pr William Lord Roberts  
 pr Richard Lord Ingoldsby  
 pr Ch<sup>r</sup>. Lord Pack  
 pr Robt Lord Tichburne  
 pr John Lord Jones  
 pr Thomas Lord Pride  
     John Lord Barkstead Leiv<sup>t</sup> of y<sup>e</sup> Tower of London  
 pr George Lord Fleetwood  
 pr John Lord Hewson  
 pr Edmond Lord Thomas  
 pr James Lord Berry  
 pr William Lord Goffe  
 pr Thomas Lord Cooper

This Day the Lords kept the Fast in the house Dr Reynolds and M<sup>r</sup> Howe prayed and preached and M<sup>r</sup> Caryll concluded the Day with prayer

ORDERED That the thankes of this house be returned to Dr Reynolds for his great paines in helping to carry on the worke of this Day of Fasting and humiliation *in this house* and that he be desired to print his sermon and he is therein to enioy the vsuall p<sup>r</sup>viledge.

ORDERED That the thanks of this house be returned to M<sup>r</sup> Howe for his great paines in carrying on the worke of this Day of Fasting and humiliation in this house and that he be Desired to print his sermon and he is therein to enioy the vsuall priuiledge.

ORDERED That the thankes of this house be returned to M<sup>r</sup> Caryll for his great paines in carrying on the worke of this Day of Fasting and humiliation in this house

The Lord Com<sup>r</sup> Fyennes declared by direc<sup>con</sup> of this house this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill nine of the Clock to morrow morning.



[Wednesday] *Thursday* 28 of January 1657.

p<sup>rsnt</sup> *Lord* Richard [Lord] Cromwell

p<sup>nt</sup> Nathaniel Lord Fyennes one of the Lords Com<sup>rs</sup> of the Great Seale

p<sup>nt</sup> John Lord Lisle one of y<sup>e</sup> Lords Com<sup>rs</sup> of the Great Seale

p<sup>nt</sup> Henry Lord Laurence P<sup>rsident</sup> of his Highnes Priuy Councell

p<sup>nt</sup> Charles Lord Fleetewood Leu<sup>t</sup> G<sup>ral</sup> of the Army

p<sup>nt</sup> Tho. Lord Faulconberge

p<sup>nt</sup> Charles Lord Viscount Howard

Philip Lord Viscount Lisle

p<sup>nt</sup> George Lord Evre

p<sup>nt</sup> Roger Lord Broghill

p<sup>nt</sup> John Lord Cleypoole M<sup>r</sup> of the horse to his Highnes

p<sup>nt</sup> Bulstrode Lord Whitelock one of the Lords Com<sup>rs</sup> of the Treãry

p<sup>nt</sup> John Lord Disbrowe one of y<sup>e</sup> G<sup>ra</sup>ls of the Flcete

p<sup>nt</sup> Edward Lord Montagu one of y<sup>e</sup> Generalls of the Fleet and one of the Lords Com<sup>rs</sup> of the Treãry

John Lord Glynn Lord Chiefe Justice of the Vpper bench

W<sup>m</sup> Lord Lenthall M<sup>r</sup> of the Rolles

p<sup>nt</sup> Charles Lord Wolseley

W<sup>m</sup> Lord Sydenham one of the Lords Com<sup>rs</sup> of the Treãry

p<sup>nt</sup> Phillip Lord Skippon

p<sup>nt</sup> Walter Lord Strickland

p<sup>nt</sup> Philip Lord Jones Comptroll of his Highnes Household

p<sup>nt</sup> John Lord Fyennes

John Lord Hobart

p<sup>nt</sup> Francis Lord Russell

p<sup>nt</sup> Will<sup>m</sup> Lord Strickland

p<sup>nt</sup> Richard Lord Onslow

p<sup>nt</sup> Edward Lord Whalley Com<sup>ry</sup> gral of the Horse

p<sup>nt</sup> Richard Lord Hampden

p<sup>nt</sup> Thomas Lord Honiwood

p<sup>nt</sup> Will<sup>m</sup> Lord Roberts

p<sup>nt</sup> Richard Lord Ingoldsby

p<sup>nt</sup> Ch<sup>r</sup>. Lord Pack

p<sup>nt</sup> Robt Lord Titchburne

p<sup>nt</sup> John Lord Jones

p<sup>nt</sup> Thomas Lord Pride

John Lord Berkstead Lieu<sup>t</sup> of the Tower of London

p<sup>nt</sup> George Lord Fleetwood

p<sup>nt</sup> John Lord Hewson

p<sup>nt</sup> Edmond Lord Thomas

pr James Lord Berry

p<sup>nt</sup> Will<sup>m</sup> Lord Goffe

p<sup>nt</sup> Thomas Lord Cooper

M<sup>r</sup> Row of Westminster prayed in the House.

The Lord Com<sup>r</sup> Fyennes being in the Speakers place reported to the House the substance of the Speach Deli<sup>u</sup>ed by his Highnes [to both Houses] at Whitehall on Monday last in the afternoone *to both houses* being to the effect following.

ORDERED that the Consideracon of this Report be taken vpp to morrow morning.

An Act for naturalizing Susanna Baldé wife of Nicholas Corsellis of London Merchant was this Day read the second time and vppon the Question Comitted to

Lo. Faulconberge  
Lo. Evre  
Lo. Broghill  
Lo. Whitelock  
Lo. Skippon  
Walter Lo. Strickl.  
Phillip Lo. Jones  
Lo Honiwood

Lord Roberts  
Lord Tichburne  
John Lord Jones  
Lord Pride  
Lord Thomas  
Lord Berry  
Lord Goffe

Those Lords or any five or more of them are to meete on Tuesday next at three of the Clock in the afternoone in the Lord keep<sup>rs</sup> lodgings.

ORDERED That the Co<sup>m</sup>ittees for Peti<sup>c</sup>ions Doe meet this afternoone at three of the Clock in the place formerly appointed.

The Lord Com<sup>r</sup> Fyennes Declared by direc<sup>c</sup>on of the Lords this present Parliam<sup>t</sup> to be Continued vntill to morrow morning nine of the Clock.

FRIDAY the 29<sup>th</sup> of JANUARY 1657.

pr Lord Richard [Lo] Cromwell  
pr Nathaniell L. Fyennes one of y<sup>e</sup> Lo. Com<sup>rs</sup> of y<sup>e</sup> Great Seale  
pr John Lord Lisle one of the Lords Com<sup>rs</sup> of y<sup>e</sup> Great Seale  
Henry Lo. Lawrence &c.  
Charles Lo. Fleetwood &c.  
pr Tho. Lo. Faulconberge  
Char. lo. Visc<sup>t</sup> Howard  
pr Phillip Lo. Visc<sup>t</sup> Lisle  
pr Geo. Lord Evre  
pr Roger Lord Broghill  
pr John Lord Cleypole &c.  
pr Bul. Lord Whitelock  
pr John Lord Disbrowe  
pr Ed. Lo. Montagu  
Jo. Lord Glyn  
pr W<sup>m</sup> Lord Lenthall  
pr Charles Lord Wolseley  
W<sup>m</sup> Lord Sydenham  
pr Phillip Lo. Skippon  
pr Walter Lo. Strickland  
pr Phillip Lo. Jones  
pr John Lord Fyennes  
pr John Lord Hobart  
pr Francis Lo. Russell  
pr W<sup>m</sup> Lo. Strickland  
pr Rich. Lord Onslow  
pr Ed. Lord Whalley  
pr Rich. Lord Hampden  
pr Tho. Lord Honywood  
pr W<sup>m</sup> Lo. Roberts.  
pr Rich. Lord Ingoldesby



pr Chř. Lord Pack  
 pr Robert Lord Tichburne  
 pr John Lord Jones  
 pr Thomas Lord Pride  
     John Lord Barkstead &c.  
 pr Geo. Lord Fleetwood.  
 pr John Lord Hewson  
 pr Edmond Lord Thomas  
 pr James Lord Berry  
 pr W<sup>m</sup> Lord Goffe  
 pr Tho. Lord Cooper

Mr Hooke prayed in y<sup>e</sup> house

ORDERED That the Debate vppon the Report of his Highnes speach to both howses on Monday last be adjourned vntill Tuesday next.

These Lords are added to the Co<sup>m</sup>ittee for the bill for the better levying the penalties for profanation of the Lords Day Viz<sup>t</sup>.

Lo. Pack	Lo. Thomas
Lo. Broghill	Lo. Berry
Lo. Russell	Lo. Cooper
Lo. Honiwood	

ORDERED that this Com<sup>tee</sup> Doe meet at three of the Clock this afternoone in the place formerly appointed

ORDERED That the Com<sup>tee</sup> for priuiledges Doe meet this afternoone at three of the Clock in the place formerly appointed.

The Lord Com<sup>r</sup> Fyennes by direc<sup>c</sup>on of the house Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow nine of the Clock in the morning.

Saturday the 30<sup>th</sup> of January 1657.

pñt Lord Richard [Lord] Cromwell	
pnt Lord Com <sup>r</sup> Fyennes	Lord Hobart
pnt Lord Com <sup>r</sup> Lisle	Lord Russell
pnt Lord Presid <sup>t</sup>	pñt W <sup>m</sup> Lord Strickland
pnt Lord Fleetwood	Lord Onslow
pñt Lord Faulconberge	pñt Edward Lord Whalley
pñt Lord Visc <sup>t</sup> Howard	Lord Hampden
pñt Lord Visc <sup>t</sup> Lisle	pñt Lord Honywood
Lord Evre	Lord Roberts
pnt Lord Broghill	pnt Lord Ingoldesby
Lord Cleypole	pñt Lord Pack
Lord Whitelock	pñt Lord Tichburne
pñt Lord Disbrowe	John Lord Jones
pñt Lord Montagu	pñt Lord Pride
Lord Glynn	Lo. Barkstead
pñt Lord Lenthall	pñt Geo. Lo. Fleetwood
pñt Lord Wolseley	pñt Lo. Hewson
Lord Sydenham	pñt Lerd Thomas
pñt Lord Skippon	pñt Lo. Berry
pñt Walter Lo. Strickland	pnt L. Goffe
pñt Phillip L. Jones	pñt Lo. Cooper
pñt John Lord Fyennes	

Mr How prayed this day.

The Lord Com<sup>r</sup> Fiennes by direc<sup>ti</sup>on of the house declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till Monday morning at nine of the Clock.

MONDAY the 1<sup>st</sup> of FEBRUARY 1657.

Present

pr Lord Richard [Lord] Cromwell	pr Lo. Hobart
pr Nath. Lo. Fiennes one the Lords Com <sup>rs</sup> of y <sup>e</sup> Great Seale	pr Lo. Russell
pr Lord Com <sup>r</sup> Lisle	pr W <sup>m</sup> Lo. Strickland
pr Lord President of His Highnes priuy Councell	pr Lo. Onslow
Lord Fleetwood	pr Ed. Lo Whalley
Lord Faulconberge	Lo. Hampden
pr Lord V. Howard	pr Lo. Honywood
pr Lo. Visc <sup>t</sup> Lisle	Lo. Roberts
Lo. Evre	Lo. Ingoldsby
Lo. Broghill	pr Lo. Pack
pr Lo. Cleypole	pr Lo. Tichburne
Lo. Whitelock	pr John Lo. Jones
Lo. Disbrowe	pr Lo. Pride
pr Lo. Montagu	Lo. Barkstead
Lo. Glynne	pr Geo. Lo. Fleetwood
pr Lo. Lenthall	Lo. Hewson
Lo. Wolseley	Lo. Thomas
Lord Sidenham	pr Lo. Berry
Lord Skippon	Lo. Goffe
pr Walter Lo. Strickland	Lo. Cooper
pr Phillip Lo. Jones	
pr John Lo. Fiennes	

Mr Lockyer prayed.

The Lord Com<sup>r</sup> Fyennes by direction of the house declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow morning nine of the Clock.

TUESDAY 2 FEBR. 1657.

Present

Lord Richard [Lord] Cromwell	Edward Lord Whalley
Nathaniel Lord Fyennes	Richard Lord Hampden
John Lord Lysle	Thomas Lord Honywood
Henry Lord Laurence L <sup>d</sup> President of His Highness Priuy Councell	Willm Lord Roberts
Thomas Lord Faulconberg	<i>Richard Lord Ingoldsby</i>
Charles L <sup>d</sup> . Viscount Howard	Ch <sup>r</sup> . Lord Pack
Philip Lord Viscount Lisle	Robt. Lord Titchburne
<i>John Lord Cleypole</i>	John Lord Jones
Bulstrode Lord Whitelock	Thomas Lord Pride
John Lord Disbrow	[John Lord Berkstead]
Edward Lord Montague	George Lord Fleetwood
	John Lord Hewson
	Edmond Lord Thomas



John Lord Glynn  
 Willm Lord Lenthall  
 Charles Lord Wolseley  
 Philip Lord Skippon  
 Walter Lord Strickland

James Lord Berry  
 Willm Lord Goffe  
 Thomas Lord Cooper  
 [Roger Lord Broghill]

*Phillip Lord Jones*

John Lord Fynes  
 John Lord Hobart  
 Francis Lord Russell  
 Willm Lord Strickland  
 Richard Lord Onslow

Mr Sterry prayed in the house this Day.

The house was this Day called in the order in w<sup>ch</sup> they are returned vnder the hand of the Clerke of the Pettibagge begining w<sup>th</sup> the first and so in order, every Lord that was present as his name was called, rising vpp vncovered, Excuses were made for these seuerall Members as followeth

Lord Henry Cromwell by reason of [the] *his* Charge in Ireland.

Charles Lord Fleetwood Leiv<sup>t</sup> Generall of the Army being Comaunded to attend his Highnes.

George Lord Evre being lame.

George Lord Monck by reason of his charge in Scotland

Oliver Lord St. John Cheife Justice of the Co<sup>rt</sup> of Co<sup>m</sup>on pleas by reason of the busines of the Terme.

W<sup>m</sup> Lord Steele Chancellor of Ireland by reason of his service there.

W<sup>m</sup> Lord Sydenham being lame.

Francis Lord Rous being lame

Gilbert Lord Gerard by reason of p<sup>r</sup>sent indisposi<sup>c</sup>on of health.

W<sup>m</sup> Lord Lockhart. Ambassado<sup>r</sup> in France

Alexander Lord Wareston being sick

John Lord Barkstead by reason of his p<sup>r</sup>sent infirmity of body

Mathew Lord Thomlinson being detained by sickness.

These Lords came in after the house was called and were excused viz<sup>t</sup>.

Lord Broghill  
 Phillip Lord Jones  
 Lord Ingoldsby

These Lords following being called Did not appeare nor any excuse made for them viz<sup>t</sup>

Earle of Warwick  
 Earle of Manchester  
 Earle of Mulgraue  
 Earle of Cassills  
 Lord Visc<sup>t</sup> Say and Seale  
 Gilbert Lord Pickering  
 Phillip Lord Wharton  
 William Lord Pierrepont  
 Arthur Lo. Heselrigge  
 Alexander Lo. Popham  
 John Lord Crew

ORDERED That the Lords of this house who haue made default this Day be required at a Certaine Day to attend this service of this house

The Question being propounded

That the Lords of this house who haue this Day made default be required on this Day three weeks to giue their attendance on the service of this house and the Question being put that that Question be now put, it being doubtfull, vppon counting the Votes by the Lord Montagu and Lord Lenthall it was resolved in the affirmatiue and the maine Question being put it was

RESOLVED That the Lords of this house who haue this day made Default be required on this Day three weeks to giue their attendance on the service of this house

The Question being put that there be a further addiçon to the last Vote it passed in the negatiue.

The Lord Com<sup>r</sup> Fyennes Declared by direcçon of the house this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow morning nine of the Clock.

### WEDNESDAY 3 FEBRUAR. 1657.

#### Present

pñt Lord Richard [Lord] Cromwell	pñt Lord Hobart
pr Nathaniel Lord Fyennes	pñt Lord Russell
pr John Lord Lisle	pr Wm Lord Strickland
p <sup>r</sup> sent Lord President of his Highnes Priuy Councell	pnt Lord Onslow
Lord Fleetwood	pr Lord Whalley
Lord Fauleonberg	<i>Rich. Lo. Hampden</i>
pñt Lord Viscount Howard	pr Lord Honynwood
pnt Lord Viscount Lisle	pñt Lord Roberts
Lord Evre	pñt Lord Ingoldsby
Lord Broghill	pñt Lord Pack
pñt Lord Cleypoole	pr Lord Titehburne
Lord Whitelock	pnt John Lord Jones
pñt Lord Disbrow	pñt Lord Pride
pñt Lord Montagu	Lord Barkstead
Lord Glynn	pñt Geo. Lord Fleetwood
pñt Lord Lenthall	Lord Hewson
pñt Lord Wolseley	<i>Edmund Lo. Thomas</i>
Lord Sydenham	pr Lord Berry
pñt Lord Skippon	Lord Goffe
pñt Walter Lord Strickland	pnt Lord Coop
pñt Philip Lord Jones	
pñt John Lord Fyennes	

It being moved that in regard of the great Concourse of Papists and other psons who haue been in Armes against the Coñmonwealth vnto this Towne that an addresse may be made to his Highnes to issue a proclamation for removing them hence. Vpon Debate thereof it was resolved That a Message be sent to the house of Comons to ioyne w<sup>th</sup> this House therein

ORDERED That a Coñmittee Doe withdraw to pen the substance of a Message vppon the present Debate, viz<sup>t</sup>. Lo. Com<sup>r</sup> Lisle, Lord Presid<sup>t</sup>, Lord Disbrow, Lord Onslow.

The Coñmittee being withdrawne the house was adjourned During pleasure.



The house was resumed

The Lord Disbrow repo<sup>rt</sup>s from the Com<sup>tee</sup> appointed to withdraw a pag[e] Containing the Draught of a Vote in pursuance of the former resoluc<sup>on</sup> w<sup>ch</sup> was read and agreed viz<sup>t</sup>.

That a Message be sent to the house of Co<sup>m</sup>ons that they would ioyn<sup>e</sup> w<sup>th</sup> this house in an addresse to his Highnes the Lord Protector that his Highnes wilbe pleased to yssue a Proclama<sup>on</sup> by advise of both howses of Parliam<sup>t</sup> Co<sup>m</sup>aunding all Papists and all other persons who haue been in Armes against the Co<sup>m</sup>onwealth by a Certaine Day to Depart out of the Cityes of London and Westm<sup>r</sup> and the late lines of Co<sup>m</sup>munication and twenty Miles of the same and not to retorne to the said Cityes or either of them During the space of three Moneths, no<sup>r</sup> to any other place w<sup>th</sup>in the lymitts aforesaid saue onely to such place or places in the Country where such p<sup>son</sup> or p<sup>sons</sup> aforesaid haue habita<sup>on</sup>s

This Message was sent by M<sup>r</sup> Justice Wyndham and M<sup>r</sup> Justice Newdegate attended by the Clerke of the Comonwealth

The Lord Com<sup>r</sup> Fiennes Declared (the Lords Consenting therevnto) this p<sup>re</sup>sent Parliam<sup>t</sup> to be Continued till to morrow nine of the Clock.

Thursday Februar 4 1657.

Richard Lord Cromwell.

His Highnes being come to the House vnexpected and set in his Chaire of State and the Lords in their places, all the Judges were sent for to attend the House and his Highnes having spoken something to this House taking notice therein of their faithfullnes to the publike interest and readines to Carry on the Governm<sup>t</sup> as it is settled in the Humble Peti<sup>on</sup> and Advise, so as he could charge nothing on them as having been wanting in what might tend to the good of the Co<sup>m</sup>onwealth His Highnes Co<sup>m</sup>aunded the [Vsher of the] Black rodd to goe for the house of Comons, who being with their Speaker come to the Barre His Highnes spake [to them] as followeth\*

MEMORANDUM that this Day [being] viz<sup>t</sup> thursday the 27th of January 1658 being appointed to be the first day of this Parliament about eight of the Clock in the morning in the lobby between the house of Lords and the Painted Chamber there mett these Lords hereafter named viz<sup>t</sup>. the Right Ho<sup>ble</sup> Nathaniel Lord Fiennes John Lord Lisle and Bulstrode Lord Whitelock Lords Keeps of the Great Seale Henry lord Lawrence Lord Presid<sup>t</sup> of the Councell [Charles] John Lord Disbrowe Edward lo. Montagu and Phillip Lord Jones Comptroller of his Highnes houshold who showed forth a Co<sup>m</sup>ission vnd<sup>r</sup> the Great Seale directed vnto them and others for administring one vnto another and any two or more of them to every Memb<sup>r</sup> of the Lords house the oath by the humble addiconall and explanatory peti<sup>on</sup> and aduise appointed and accordingly the Lord Disbrow and Lord Montagu hauing administred the said Oath (being read by the Clarke of the Co<sup>m</sup>onwealth in Chauncery) to the lord Fiennes lord Lisle and Lord Whitelock Lords Keeps of the great Seale they did afterwards administer the same oath to these Lords following viz<sup>t</sup>. Charles Lo. Fleetwood Lo. Visc<sup>t</sup> Fauconberge, Lord Pykering Lord Chamb<sup>len</sup> of his Highnes houshold Geo. Lord Eure, John Lord Cleypole John Lord Glynnue W<sup>m</sup> Lord Lenthall Charles Lord Wolseley Philip Lo. Skippon,

\* There then follow several blank pages in the original MS.

Walter Lord Strickland John Lord Fiennes Francis Lo. Russell W<sup>m</sup>  
 Lord Strickland Rich. Lord Onslow Edward Lo. Whalley Thomas  
 Lord Honiwood W<sup>m</sup> Lord Roberts Archibald Lo. Johnston of Wareston  
 Richard Lo. Ingoldsby Ch<sup>r</sup>. Lord Pack Robert Lo. Tichburne John  
 Lo. Jones Geo. Lo. Fleetwood Mathew Lo. Tomlinson John Lord  
 Hewson James Lord Berry William Lord Goffe and Thomas Lord  
 Cooper.

the Tenor of w<sup>ch</sup> Comission followeth viz<sup>t</sup>.

here enter the  
 Com.

w<sup>ch</sup> being donne the said Lords repaired in to the house whither his  
 Highnes the Lord Protector came attended w<sup>th</sup> diuse of the Councell  
 and from the house went so attended to the Abby at Westm<sup>r</sup> to heare  
 a Sermon where preached, Mr Dr Goodwin and the same being ended  
 his Highnes returned to the house [he] attended by the lords.

Thursday the 27<sup>th</sup> of January 1658.

present His Highnes.

Lord Keeper Fiennes	Lord Onslow
Lord keeper Lisle	Lord Whalley
Lord Keeper Whitelock	Lord Honywood
Lord Laurence Lord President	Lord Roberts
of the Councell	Lord Johnston [Lord Wareston]
Charles Lord Fleetwood	Lord Ingoldsby
<i>Lord Viscount Fauconberg</i>	Lord Pack
Lord Pickering Lord Chamb <sup>er</sup>	Lord Titchborne
Lord Evre	Jo. Lord Jones
Lord Cleypoole	[Lord Barksteade]
Lord Disbrough	George Lord Fleetwood
Lord Montagu	Lord Tomlinson
Lord Chiefe Justice Glynn	Lord Hewson
Lord Lenthall	Lord Berry
Lord Wolseley	Lord Goffe
Lord Sydenham	Lord Cooper
Lord Skippon	
Walter Lord Strickland	
Philip Lord Jones	
John Lord Fiennes	
Lord Russell	
W <sup>m</sup> Lord Strickland	

His Highnes the lord Protector being placed in his seate of Estate  
 and the lords in their places, sent [to] the Gent. Vsher for the Comons  
 to come vpp [his him] to and they being come to the barre his Highnes  
 spake as followeth

here entr the  
 speech



Wherevppon the lord Keeper Fiennes did by his Highnes Cõmaund speake to both howses in this manner.

here enter the Speach

[wherevppon] *w<sup>ch</sup> speach being ended* the Cõmons w<sup>th</sup>drew and his Highnes also w<sup>th</sup> diuse of the lords and others attending him went to Whitehall.

The Lord Keep. Fiennes by consent of the lords Declared this p̃ntē pliam<sup>t</sup> to be Continued till to morrow ten of the Cloek in the morning.

FRIDAY 28 JAN. 1658.

MEMORANDUM that the oath appointed by the humble [and] addicconall and explanatory peti<sup>ti</sup>ōn and aduise was this Day taken in the [Lord Keeps Lodgings] *Lobby* by the Lord Sidenham before Lo. Tomlinson and Lo Berry.

John Lo. Barkstead took the same oath before Charles Lord Fleetwood Lo. Tomlinson and Lo. Berry

FRIDAY 28 JAN. 1658.

Mr Rowe prayed

Lords present

Lord Keeper Fiennes  
 Lord Keeper Lisle  
 Lord President Laurence  
 Charles Lord Fleetwood  
 Lord Chamberlen  
 Lord Evre  
 Lord Cleypole  
 Lord Disbrough  
 Lord Montagu  
 Lord Chiefe Justice  
 Glynne  
 Lord Lenthall  
 Lord Wolseley  
 Lord Sydenham  
 Lord Skippon  
 Walter Lord Strickland  
 Lord Jones Lord Comp-  
 troller  
 John Lord Fiennes  
 Lord Russell  
 Lord Strickland  
 Lord Onslow  
 Lord Whalley  
 Lord Honywood  
 [Lord Roberts]  
 Lord Johnston  
 Lord Ingoldsby  
 Lord Paek  
 Lord Titchborne  
 John Lord Jones  
 Lord Berkstead  
 Geo. Lord Fleetwood  
 Lord Tomlinson

ORDERED

That this Day sevenight be appointed for a day of solenne Fasting and humili-  
 a<sup>ti</sup>ōn in this house

ORDERED That Mr Loekyer Mr Caryll and Mr Hooke be Desired to assist in carrying on the worke of that Day in this house

ORDERED That the Gent Vsher Doe acquaint the said Ministers therew<sup>th</sup>

ORDERED That Mr Hooke Mr Lockyer Mr Sterry Mr Peters Mr Howe and Mr White be desired to giue their assistance to pray in this house in their turnes euery morning and that the Gent Vsher Doe giue notice daily to them for that purpose

ORDERED That the thanks of this house be given to Thomas Goodwin Dr of Diuinity for his great paines taken in his sermon preached yesterday in the Abby Church at Westm<sup>r</sup> before his Highnes and this house and that he be desired to print his sermon and haue the vsuall priuiledge therein and that the Gent Vsher Doe giue him the thanks of this house and desire him to print his sermon accordingly

ORDERED That the Journalls be looked into to see whither the Chiefe Magistrates speach spoken in this house did vse to be reported to the house or not that the house may take Considac<sup>ti</sup>ōn of

Lord Hewson a mo<sup>o</sup>n now made for reporting his  
 Lord Berry Highnes Speach made yesterday.  
 Lord Goffe These lords are appointed to be  
 Lord Cowper Co<sup>m</sup>ittees for the priuiledges of this house  
 viz<sup>t</sup>

Lord Keep Lisle	Francis lo. Russell	
Lo. Keep Whitlock	W <sup>m</sup> lo. Strickland	
Lo. Presid <sup>t</sup> of the Councell	Richard Lo. Onslow	
Lo. Evre	Edw. Lo. Whalley	
Lo. Chamb <sup>r</sup> ten	Archibald lo. Johnston	
Lo. Cleypole	Rbt. Lo. Tichborne	
Lo. Disbrow	John lo. Jones	
Lo. Montagu	James lo. Berry	
Lo. Glynne	Mr Baron Hill	} to be assistants
Lo. Lenthall	Mr Justice Newdegate	
Lo. Sidenham		
Phillip lo. Jones		
John Lo. Fiennes		

These lords or any 5 or more of them are to meet on Tuesday next and so vppon Tuesday in eu<sup>y</sup> weeke in the afternoone in the Roome called the Princes lodgings.

#### ORDERED

That this Com<sup>tee</sup> Doe appoint a Sub Com<sup>tee</sup> to pusc the Journall of this house and to examine the same and see that the Order's be duly entred

These lords were appointed Com<sup>tees</sup> for peti<sup>o</sup>n<sup>s</sup>

Lo. Presid <sup>t</sup>	Lo. Ingoldsby	
Lo. Disbrow	Lo. Wareston	
lo. Montagu	Lo. Pack	
lo. Glynne	Lo. Tichburne	
Lo. Lenthall	Geo. Lo. <sup>s</sup> Fleetwood	
Lo. Wolseley	Lo. Hewson	
W <sup>m</sup> Lo. Strickland	Lo. Goffe	
Lo. Onslow	Lo. Coop	
lo. Whalley	Mr Justice Atkins	} to be assistants
Lo. Honiwood	Mr Baron Parker	

These lords or any Fiue of them are to meete on Wednesday and Friday in eu<sup>y</sup> weeke in the afternoone in the lord keeps lodgings to receive all peti<sup>o</sup>n<sup>s</sup> and to Consid<sup>r</sup> of them and report<sup>t</sup> such as they iudge fitt to the house

The Lord Keep Eyennes by consent of the lords Did [adjourne] Declare this p<sup>r</sup>sent Parliamt<sup>t</sup> to be Continued vntill to morrow ten of the Clock in the forenoone.

[FRIDAY] *Saturday* the 29<sup>th</sup> of January 1653.

lords Present.

Lord Keeper Fiennes  
 Lord Keeper Lisle  
 Lord President Laurence  
 [Charles Lord Fleetwood]  
 Philip Lord Viscount Lisle  
 Lord Chamberlen  
 Lord Evre



Lord Disbrough  
 Lord Chiefe Justice Glynne  
 Lord Lenthall  
 Lord Wolseley  
 Lord Sydenham  
 Walter Lord Strickland  
 Philip Lord Jones [Lord Comptroller]  
 John Lord Fiennes  
 Willm Lord Strickland  
 Edward Lord Whalley  
 Lord [Wareston] Johnson  
 John Lord Jones  
 George Lord Fleetwood  
 Mathew Lord Thomlinson  
 John Lord Hewson  
 James Lord Berry  
 Lord Goffe  
 Lord Cooper

## ORDERED

That the Lords of this House Doe Constantly giue their attendance in the house euy Day at ten of the Clock.

The lo. Fiennes by Consent of the lords did [adjourne] *Declare* this present Parliamt to be *Continued* till ten of the Clock on Monday morning.

MEMORAND<sup>~</sup> that on this Day before the sitting of the house Phillip Lo. Visct Lisle tooke the Oath appointed by the humble addiconall and explanatory peticon and aduise in the lobby neere the Lords house before the lo. Presidt Ph. lord Jones and the Lord Berry being read by the Clerk and so tooke his place in the house.

Monday 31 January 1658.

Lords p<sup>r</sup>sent

Lord Keep Fiennes	Geo. Lo. Fleetwood
Lo. Keep Lisle	Lo. Tomlinson
Lo. Presidt	Lo. Hewson
Charles Lo. Fleetwood	Lo. Berry
Lo. Fauconberge	Lo. Goffe
Phillip Lord Visct Lisle	Lo. Cooper
Gilbt. Lo. Pykering	
Lord Eure	
Lord Cleypole	
Lo. Disbrowe	
Lo. Montagu	
Lo. Glynne	
Lo. Lenthall	
Lo. Wolseley	
Lo. Sydenham	
Lo. Skippon	
Lo. Strickland	
Ph. Lo. Jones	
Jo. Lo. Fiennes	
Fran. Lo. Russell	
W <sup>m</sup> Lo. Strickland	
Edw. Lo. Whalley	

Tho. Lo. Honynwood  
 W<sup>m</sup> lo. Roberts  
 Lo. Ingoldsby  
 Lo. Pack  
 Lo. Tichborne  
 John Lo. Jones

Mr Hooke prayed.

# ORDERED

That it be referred to a Com<sup>tee</sup> to puse the Acts and lawes already made against Cursing swearing Breach of the Sabeth and Drunkenness and to see wherein the same are defectiue and haue need to be supplied and to Consid<sup>r</sup> of such p<sup>u</sup>isions as are necessary to be made therein and report it to this house viz<sup>t</sup>.

Lord Keep Lisle  
*Lo. Falconberge Lo. Visc<sup>t</sup> Lisle*  
 [Lo. Disbrow Chamblen]  
*Lo. Disbrow*  
 Lo. Glynne

Lo. Lenthall  
 Lo. *Johnson of* Wareston  
 Lo. Tichborne  
 John Lord Jones  
 Geo. Lo. Fleetwood  
 Lo. Tomlinson

Lo. Wolseley

Lo. Sidenham

Jo. Lo. Fiennes  
*W<sup>m</sup> Lo. Strickland*  
 Edw. Lo. Whalley

Lo. Hewson  
 Lo. Berry  
 Lo. Goffe  
 Lo. Cooper

Mr Baron Hill } to be assistant to  
 Mr Justice Windham } these lords.

These lords are to meete on Wednesday next in the afternoone in the Lord Keepers lodgings

ORDERED That Fiue be the Quorū of this Com<sup>tee</sup> and that number shalbe vnderstod to be Quorū of all Com<sup>tees</sup> of this house vnles the house doe otherwise appoint

A Bill was tendred for recognizing his Highnes the Lord Protector and disclayming the Title of Charles Stuart and all other the issue of the late King and it was prayed that the same might be read w<sup>ch</sup> mo<sup>c</sup>ōn being seconded, the same was accordingly read and ordered to be read the second time to morrow morning.

The Lord Keep Fiennes by Consent of the house [adjour] *Declared* this present Parliam<sup>t</sup> to be [adjour] Continued vntill to morrow at ten of the Clock in the forenoone.

Tuesday 1 February 1658.

Present.

Lord Keeper Fiennes  
 Lo. Keeper Lisle  
 Lo. Presid<sup>t</sup> of y<sup>e</sup> Councell  
 Charles Lo. Fleetwood  
 Phillip Lo. Visc<sup>t</sup> Lisle

Lord Pykering  
 Lo. Cleypole  
 Lo. Disbrow  
 Lo. Montagu

(O. 14.)

Lo. Pack  
 Lo. Tichburne  
 Jo. Lo. Jones  
 Geo. lo. Fleetwood  
 Lo. Tomlinson  
 Lo. Hewson  
 Lo. Berry  
 lo. Goffe  
 lo. Cooper

L L



Lo. Glynne  
 Lo. Lenthall  
 Lo. Wolseley  
 Lo. Skippon  
 Walt<sup>r</sup> Lo. Strickland  
 Phillip Lo. Jones  
 Jo. Lo. Fiennes  
 Francis Lo. Russell  
 W<sup>m</sup> Lo. Strickland  
 [Edw.] Lo. Whalley  
*Lo. Honiwood*  
 Lo. Roberts  
 Lo. Ingoldsby

The Bill for Recognizing his Highnes and Disannulling the p<sup>r</sup>tended Title of Charles Stuart was this Day read the second time and vpon the Question Comitted to these Lords viz<sup>t</sup>

Lord Keep Lisle	Phillip Lo. Jones
Lo. Presid <sup>t</sup>	Jo. Lo. Fiennes
Lo. Visc <sup>t</sup> Lisle	Lo. Onslow
Lo. Chamblen	Lo. Whalley
Lo. Disbrowe Lo. Glin Lo. Lenthall	Lo. Tichborne
Lord Wolseley	Jo. Lo. Jones
2. Walter Lo. Strickland	Lo. Tomlinson
1. Lo. Sidenham	Lo. Hewson
	Lo. Berry
	Lo. Cooper
Lo. Cheife Baron	} to assist the Com <sup>tee</sup> herin
Mr Baron Hill	
Mr Justice Newdegate	

And these lords or any Fiue of them are to meete in the Lord Keeps lodgings to morrow at nine of the Clock.

ORDERED That a Bill be brought in for Confirma<sup>co</sup>n of the publike sales w<sup>ch</sup> haue been made by the Co<sup>m</sup>onwealth of the lands of the late King, &c. Bpps. Deanes and Chapters and Delinquents

That Mr S<sup>t</sup> Earle his Highnes S<sup>t</sup> at Law Doe prepare a Bill for this purpose and that M<sup>r</sup> Baron Hill and M<sup>r</sup> Justice Newdegate [doe] be Desired to puse the same and repo<sup>r</sup>t it to the house

The Lord Keep Fiennes by Consent of the lords Declared this present Parliam<sup>t</sup> to be Continued vntill to morrow ten of the Clock in the morning.

WEDNESDAY 2 FEBR. 1658.

Present

Lord Keeper Fiennes	John Lord Fiennes
Lord Keeper Lisle	Francis Lord Russell
Lord President	W <sup>m</sup> Lord Strickland
Charles Lord Fleetwood	Lord Onslow
Lord Viscount Howard	Lord Whalley
Lord Viscount Lisle	Lord Honiwood
Lord Chamberlen	Lord Roberts
Lord Evre	Lord Titchborne
Lord Disbrough	John Lord Jones
Lord Montagu	George Lord Fleetwood

Lord Chiefe Justice Glynn  
 Lord Lenthall  
 Lord Wolseley  
 Lord Sydenham  
 Lord Strickland  
 Philip Lord Jones

Lord Thomlinson  
 Lord Hewson  
 Lord Berry  
 Lord Goffe  
 Lord Cooper

Mr Sterry prayed

The lord Keeper Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow ten of the Clock in the forenoone.

Thursday the 3<sup>d</sup> of February 1658.

Present

Lo. Keep Fiennes  
 Lo. keeper Lisle  
 Lo. President  
 Charles Lo. Fleetwood

Lord Viscount Howard  
 Lo. Visc<sup>t</sup> Lisle  
 Lo. Chamblen

Lo. Disbrow  
 Lo. Montagu  
 Lord Glinn  
 [Wil.] Lord Lenthall

Lord Sidenham  
 Lo. Skippon  
 Walter Lo. Strickland  
 Phillip Lord Jones  
 John Lord Fiennes

W<sup>m</sup> Lo. Strickland  
 Lo. Onslowe  
 Lo. Whalley  
 Lo. [Onslow] *Honiwood*  
 Lo. Roberts  
 Lo. Johnston of Wareston  
 Lo. Ingoldsby  
 Lo. Tichburne  
 John Lo. Jones  
 Geo. Lo. Fleetwood  
 Lo. Tomlinson  
 Lo. Berry  
 lo. Goffe  
 lo. Cooper

The Lord Lenthall reports from the Lords Com<sup>tee</sup>s to whom the Bill of Recognition was Com<sup>itted</sup> amendm<sup>ts</sup> to the said Bill w<sup>ch</sup> were twice read and vpon the Question agreed and the bill so amended ordered to be engrossed w<sup>th</sup> this Title reported from the Com<sup>tee</sup> and agreed viz<sup>t</sup>. An Act for Recognizing [Richard] his Highness Richard Lord Protector of the Com<sup>on</sup>wealth of England Scotland and Ireland and the Dominions and Territories therevnto belonging

It was moved that in regard the Com<sup>tee</sup> thought fitt to leaue out of the Bill for Recognizing his Highnes those Clauses that Concerned the disannulling and Disclayming the p<sup>r</sup>tended Title of Charles Stuart &c. that a bill might be brought in for that purpose w<sup>ch</sup> being seconded by diuse others of the Lords it was vpon the Question

↑ bring in the  
 clause on the  
 next side here

ORDERED that a Bill be brought in for disannulling and disclayming the p<sup>r</sup>tended Title of Charles Stuart and all other issue and posterity of the late king and that it be referred to Mr Baron Hill to p<sup>r</sup>pare a Bill to that purpose and to report it to the house

ORDERED That the Bill for Recognizing his Highnes be brought in ingrossed on Saturday next.

↑

ORDERED

That it be referred to the same Com<sup>tee</sup> to whom the bill for Recognizing his Highnes &c. was Com<sup>itted</sup> to examine the same bill when it



is ingrossed w<sup>th</sup> the Paper bill and amendments to see the same doe agree before it be brought in to be read the third time

The Lord Keeper Fiennes by Consent of the house declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow at nine of the Clock in the morning.

↑

Archibald Lord [Wareston] Johnston of Warreston before y<sup>e</sup> putting of the Question vppon the Amendm<sup>ts</sup> Desired leaue to enter his Dissent and ptestacon against the amendm<sup>t</sup> restrayning the exercise of the Office of Cheife Magestrate according to the humble peticon and advice so farre as concernes matters of Religion especially in Scotland.

### FRIDAY the 4<sup>th</sup> of FEBRUARY 1658.

#### Present

Lord Keeper Fiennes	Lord Russell
Lord Keeper Lisle	W <sup>m</sup> Lord Strickland
Lord President	Lord Onslow
Charles Lord Fleetwood	Lord Whalley
Lord Vis <sup>ct</sup> Howard	Lord Honynwood
Lord Vis <sup>ct</sup> Lisle	Lord Roberts
Lord Chamberlen	Lord Johnston
Lord Evre	Lord Ingoldsby
Lord Disbrow	Lord Pack
Lord Montagu	Lord Titchborne
Lord Chiefe Justice Glynn	Jo. Lord Jones
Lord Lenthall	Lord Berkstead
Lord Sydenham	George Lord Fleetwood
Lord Skippon	Lord Tomlinson
Walter Lord Strickland	Lord Hewson
Lord Comptroller	Lord Berry
John Lord Fiennes	Lord Goffe
	Lord Cowper

This Day was kept as a Day of Fasting and humilia<sup>co</sup>n in the House M<sup>r</sup> Hooke and M<sup>r</sup> Caryll prayed and preached and M<sup>r</sup> Lockier concluded with prayer a mo<sup>co</sup>n being made for a Contribution to the reliefe of the poore as one Duty of this Day the same was freely assented vnto by the Lords

ORDERED that the money arising by this Contribu<sup>co</sup>n be deliued to the Clerke of this house to be distributed by him for the releife of poore people such as he shall thinke fitt.

ORDERED That the thanks of this house be given to M<sup>r</sup> Hooke M<sup>r</sup> Carill and M<sup>r</sup> Lockyer for their great paines this Day in carrying on the worke of this Day of Fasting and humilia<sup>co</sup>n in this house.

The Lord Keeper Fiennes by Consent of the house did Declare this p<sup>r</sup>sent Parliam<sup>t</sup> to be continued till to morrow ten of the Clock.

Saturday 5 Febr. 1658.

#### Present.

Lo. Keep Fiennes	W <sup>m</sup> Lo. Strickland
Lo. Keep Lisle	Lo. Onslow
Lo. Whitelock	Lo. Whalley
Lor	Lo. Honiwood
	Lo. Ingoldsby

Lo. Chambten	Lo. Pack
Lo. Evre	Lo. Tichborne
Lo. Disbrow	Jo. Lo. Jones
Lo. Montagu	Geo. Lo. Fleetwood
Lo. Glynn	Mathew lo. Tomlinson
Lo. Lenthall	Lo. Hewson
Lo. Wolseley	Lo. Berry
Lo. Skippon	lo. Goffe
Walter Lo. Strickland	Lo. Coop
Phillip Lo. Jones	
John Lo. Fiennes	

The Lord Onslow reports from the Comtee for the Bill of Recognition that the said Comtee have examined the bill ingrossed with the paper bill and amendments and find the same to agree

An Act for recognizing his Highness Richard lord Protector of the Commonwealth of England Scotland and Ireland and the Dominions and Territories thereunto belonging was this Day read the third time and upon the Question passed.

ORDERED That the Lord Ingoldsby and lo. Goffe be added to the Comtee for privileges and that Comtee is to meet on Tuesday morning next

ORDERED That the Comtee for punishing the lawes against pphane swearing and Cursing &c. Doe meet on Monday morning next at nine of the Clock

The lord keeper Fiennes by Consent of the house declared this present Parliament to be Continued vntill Monday ten of the Clocke,

Monday 7 Febr.

Present

Lo. keeper Fiennes	John Lord Fiennes
Lo. keeper Lisle	Lo. Russell
Lo. keeper Whitelock	Wm lo. Strickland
Lo. President	Lo. Onslow
Char. lord Fleetwood	Lo. Whalley
Lo. Viscount Lisle	Lo. Honiwood
Lo. Chambten	Lo. Roberts
Lo. Cleypole	Lo. Johnston
Lo. Disbrow	Lo. Ingoldsby
Lo. Lenthall	Lo. Pack
Lo. Wolseley	Lo. Tichborne
Lo. Sidenham	Jo. Lo. Jones
Wal. Lo. Strickl.	Lo. Barkstead
Phillip Lo. Jones	Geo. lo. Fleetwood
	lo. Tomlinson
	lo. Hewson
	Lo. Berry
	Lo. Goffe
	Lo. Coop

Mr Hooke prayed

The Lord keeper Fiennes by Consent of the lords Declared this present Parliament to be Continued vntill to morrow morning ten of the Clock.



Tuesday 8 February 1658.

Present

Lo. keep	{ Fiennes	W <sup>m</sup> Lo. Strickland
	{ Lisle	Lo. Onslow
	{ Whitlock	Lo. Hampden
Lo. Presid <sup>t</sup>		Lo. Honiwood
[Lo. Fleetwood]		Lo. Roberts
Lo. Vis <sup>ct</sup> Fauconberg		Lo. Johnston
Lord Howard		Lo. Ingoldsby
<i>Lo. Pickering</i>		Lo. Pack
Lo. Eure		Jo. Lo. Jones
Lo. Cleypole		Lo. Hewson
Lo. Disbrow		Lo. Berry
Lo. Montagu		Lo. Cooper
Lo. Lenthall		
Lo. Wolseley		
Lo. Sydenham		
Lo. Skippon		
Lo. Strickland		
Phi. Lo. Jones		
Jo. Lo. Fiennes		

MEMORANDUM that before the sitting of the house Richard Lord Hampden tooke the Oath being adm<sup>red</sup> vnto him by the Lord Disbrow and Lord Montagu.

Mr White prayed

ORDERED that the Bill referred to be brought in by Mr Baron Hill for disclayming and disanulling the Title of Charles Stuart &c. be brought in on Friday next.

ORDERED that it be referred to a Com<sup>tee</sup> to Consid<sup>r</sup> of the law for restrayning the use of the booke of Co<sup>m</sup>n prayer and to offer to this house what they thinke fitt for putting the same more effectually in execucon viz<sup>t</sup>

Lord Visc <sup>t</sup> Falkenberge	Lo. Skippon
Lo. Chamblen	Lo. Onslow
lo. Cleypole	Lo. Whalley
Lo. Disbrow	Lo. Honiwood
Lo. Johnston	Lo. Hewson
Lo. Pack	Lo. Berry
Lo. Tichborne	Lo. Coop.
[Lo.]	

These Lords or any Fiue of them are to meete to morrow morning at Nine of the Clock in the Roome called the Princes lodgings

The lord Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be continued till to morrow ten of the Clock.

Wednesday 9 Febr. 1658.

Lo. keep	Fiennes	W <sup>m</sup> Lo. Strickland
	Lisle	Lo. Onslow
	Whitlock	Lo. Hampden
Lo. Chamblen		Lo. Honiwood
Lo. Eure		lo Roberts
Lo. Disbrow		Lo. Johnston

Lo. Glin  
*Lo. Lenthall*  
 Lo. Wolseley  
 Lo. Skippon  
 Walt. lo. Strickland  
 Phillip Lo. Jones  
 John Lo. Fiennes

Lo. Ingoldsby  
 lo. Tichborne  
 Jo. Lo. Jones  
 G. lord Fleetwood  
 lo. Tomlinson  
 lo. Hewson  
 lo. Berry  
 lo. Goffe  
 [lo. C]

Mr Sterry prayed

The Lord keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow ten of the Clock.

Thursday 10 Febr. 1658.

Present

Lo. keep. { Fiennes  
               { Lisle  
               { Whitlock

Lord Howard  
 Lord  
 Lord Evre  
 Lord Cleypole

Lord Wolsley  
*Lo. Sidenham*  
 Lo. Skippon  
 Wal. Lo. Strickland  
 Phillip lo. Jones  
 John Lo. Fiennes

W<sup>m</sup> Lo. Strickland  
 Lo. Onslow  
 Lo. Honiwood  
 Lo. Roberts  
 Lo. Johnston  
 Lo. Ingoldsby  
*Lo. Pack*  
 Lo. Tichborne  
 Jo. Lord Jones  
*Lo. Tomlinson*    *Lo. Berry*  
 Lo. Goffe  
 Lo Cooper

Mr Peters prayed

The Lord Fiennes by Consent of the lords decl. this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow ten of the Clock.

Friday the 11<sup>th</sup> of February 1658.

p<sup>r</sup>sent

Lo. keep. { Fiennes  
               { Lisle  
               { Whitlock

Lord Presid<sup>t</sup>  
 Lord Chamblen  
 Lo. Disbrow  
 Lo. Montagu  
*Lo. Lenthall*    *Lo. Wolseley*

Lo. Sidenham  
 [Walter] *Lo. Skippon*  
 Walter Lo. Strickland  
 Phillip Lo. Jones  
 Jo. Lo. Fiennes

Mr White prayed

W<sup>m</sup> Lo. Strickland  
 Lo. Whalley  
 Lo. Onslow  
 lo. Honiwood  
 lo. Johnston  
 lo. Ingoldsby  
 Lo. Pack  
 Lo. Tichborne  
 Jo. Lord Jones  
 Geo. lo. Fleetwood  
 Lo. Tomlinson  
 lo. Berry  
 lo. Goffe  
 lo. Coop



Mr Baron Hill according to an ord<sup>r</sup> of this house reports a Bill for disclayming and disannulling the *pretended* Title of Charles Stuart &c. w<sup>ch</sup> was this day read the first time and ordered to be read the 2<sup>d</sup> time on Tuesday next.

The Lord keep Fiennes by Consent of the lords declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till Monday morning ten of the Clock

Monday 14 February 1658.

p<sup>r</sup>sent

Lord keep Fiennes	Lo. Onslow
Lord keep Lisle	<i>Lo. Whalley</i> <i>Lo. Hampden</i>
Lo. keep Whitelock	
Lo. President	Lo. Honiwood
Lo. Chamblen	<i>Lo. Roberts</i>
Lo. Eure	Lo. Johnston
Lo. Disbrowe	<i>Lo. Ingoldsby</i>
Lo. Montagu	Lo. Pack
Lo. Lenthall	Lo. Tichborne
Lo. Wolsley	Jo. Lo. Jones
<i>Lo. Sidenham</i>	Geo. Lo. Fleetwood
Lo. Skippon	Lo. Tomlinson
Walter Lo. Strickland	Lo. Hewson
Phillip Lo. Jones	<i>Lo. Berry</i>
Jo. Lo. Fiennes	Lo. Goffe
W <sup>m</sup> Lo. Strickland	Lo. Coop

Mr Wood prayed

The Lord Keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow ten of the Clock.

Tuesday 15 Febr. 1658.

p<sup>r</sup>sent

Lo. keep { Fiennes	Lo. Onslow
{ Lisle	Lo. Whalley
{ Whitlock	Lo. [Onslow] Hampden
Lo. President	Lo. Honiwood
Lo. Chamblen	Lo. Roberts
Lo. Eure	Lo. Pack
Lo. Disbrow	Lo. Tichburne
Lo. Montagu	Jo. Lo. Jones
Lo. Lenthall	Geo. lo. Fleetwood
Lo. Wolseley	lo. Berry
Lord Sidenham	<i>lo. Goffe</i>
Walter Lo. Strickland	Lo. Coop
Phillip lo. Jones	
Jo. Lo. Fiennes	
W <sup>m</sup> Lo. Strickland	

Mr Wood prayed

The bill for disannulling and disclayming the prtended title of Charles Stuart &c. was this Day read the second time and vppon the Quen Comitted to

Lo. keep. Lisle	John Lo. Fiennes
Lo. keep Whitelock	Lo. Hampden

Lo. Chamblen	Lo. Roberts
Lo. Disbrow	Lo. Warreston
Lo. Lenthall	Lo. Pack
Lo. Wolseley	Lo. Tichburne
Lo. Sidenham	Jo. Lo. Jones
Lo. Cheife Baron	} assistants
Baron Nicholas	
Baron Parker	

These Lords [are to] or any five of them are to meet on this bill on Friday morning at nine of the Clock in the lodgings called the Princes lodgings.

The Lords being acquainted that notwithstanding the lawes against Stage playes and Interludes yet there are Stage playes Interludes and things of the like nature called Opera acted to the scandall of Religion and of the Countt.

#### ORDERED

That it be referred to a Com<sup>tee</sup> to Consid<sup>r</sup> of the p<sup>r</sup>sent Debate and to puse the lawes w<sup>ch</sup> haue been made against Stage playes Interludes and meetings of like nature and how farre the same Doe extend and wherein they are defectiue as also [how the] what remedy may be applied for the present suppressing and preventing such mectings and to report their opinion therein to the house viz<sup>t</sup>.

Lo. keep. Whitelock	Lo. Whalley
Lo. Chamblen	Lo. Roberts
Lord Cleypole	Lo. Warreston
Lo. Lenthall	Lo. Tichburne
Lo. Sidenham	Jo. Lo. Jones
Waltr lo. Strickland	Lo. Berry
Phillip Lo. Jones	Lo. Goffe
<i>John Lo. Fiennes</i>	Lo Coop
Wm. Lo. Strickland	
Lo. Onslow	

These Lords or any 5 of them are to meete to morrow morning at nine of the Clock in the Lord keeps lodgings

The Com<sup>tees</sup> to whom the lawes against the book of Co<sup>m</sup>mon prayer were referred are to meet to morrow morning at nine of the Clock in the place formerly appointed

The Lord Keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow ten of the Clock in the morning

Wednesday 16 Febr. 1658.

p <sup>r</sup> sent	
Lo. keep {	Fiennes
	Lisle
	Whitlock
Lo. Chamblen	Lo. Onslow
Lo. Eure	Lo. Whalley
Lo. Disbrow	Lo. Honiwood
Lo. Montagu	Lo. Roberts
Lo. Lenthall	Lo. Warreston
Lo. Wolseley	Lo. Pack
	Lo. Tichburne
	Jo. Lo. Jones
	Geo. Lo. Fleetwood



Lo. Skippon  
 Walt<sup>r</sup> Lo. Strickland  
 P. lo. Jones  
 Jo. Lo. Fiennes  
 W<sup>m</sup> Lo. Strickland

Lo. Berry  
 Lo. Goffe.

Mr. Sterry prayed

The Lord keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow ten of the Clock in the morning

Thursday 17 February

Lo. Keeps { Fiennes  
 Lisle  
 Whitelock

Lo. Presid<sup>t</sup>  
 Lo. Howard  
 Lo. Chamblen  
 Lo. Evre  
 Lo. Disbrow  
 Lo. Montagu  
 Lo. Glynne  
 Lo. Skippon  
 Wal. Lo. Strickland  
 Jo. Lo. Fiennes  
 W<sup>m</sup> Lo. Strickland

Lo. Onslow  
 Lo. Roberts  
 Lo. Johnston  
 Lo. Pack  
 Lo. Tichburne  
 Geo. Lo. Fleetwood  
 Lo. Tomlinson  
 Lo. Hewson  
 Lo. Berry  
 Lo. Goffe  
 lo. Coop

The Lord keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow ten of the Clock in the morning

Friday 18 February.

Lord Keepers { Fiennes  
 Lisle  
 Whitelock

Lo. President  
 Lo. Visc<sup>t</sup> Lisle  
 Lo. Evre  
 Lo. Skippon  
 Walt. Lord Strickland  
 Philip Lo. Jones  
 Jo. Lo. Fiennes  
 W<sup>m</sup> Lo. Strickland  
 Lo. Onslow  
 Lo. Whalley

Lo. Honeywood  
 Lo. Wareston  
 Lo. Ingoldsby  
 Lo. Pack  
 Lo. Titchborne  
 Geo. Lo. Fleetwood  
 Lo. Thomlinson  
 Lo. Hewson  
 Lo. Berry  
 Lo. Goffe  
 Lo. Cooper

Mr White prayed

The Lord Keep Fiennes by Consent of the lords declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till Monday morning next at ten of the Clock.

Monday 21 Febr. 1658.

Present

Lo. keep { Fiennes  
 Lisle  
 Whitelock

Charles Lo. Fleetwood

Lo. Honiwood  
 Lo. Roberts  
 Lo. Ingoldsby  
 Lo. Pack  
 Lo. Tichburne

Lo. Chamblen  
 Lo. Evre  
 Lo. Disbrowe  
 Lo. Glynne  
 Lo. Lenthall  
 Lo. Skippon  
 Walt<sup>r</sup> Lo. Strickl  
 Philip lord Jones  
 Jo. Lo. Fiennes  
 W<sup>m</sup> Lo. Strickland  
 Lo. Whalley  
 M<sup>r</sup> White prayed

Jo. Lo. Jones  
 Lo. Tomlinson  
 Lo. Hewson  
 Lo. Thomas  
 Lo. Berry  
 Lo. Goffe  
 Lo. Cooper

The Lord keep Fiennes Declared that he had a Comaund from his Highnes the Lord Protector to Communicate vnto the Lords in this house the State of affaires abroad wherein his Highnes Did Desire the aduise of this House the substance of [his] what was reported was as followeth

## ORDERED

That the Debate on this Report be taken vpp to morrow morning

The Lord keep Fiennes by Consent of the lords did declare this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow nine of the Clock in the morning

MEMORAND that before the sitting of the house this Day [the] Edmond Lord Thomas tooke the Oath prescribed by the humble addiconall and explanatory peti<sup>o</sup>n and aduise in the chambr called the Princes lodgings before the Lord Chamblen and Lord Disbrow [and so]

Tuesday the 22<sup>th</sup> of Febr. 1658.

## Present

Lo. keep { Fiennes  
 Lisle  
 Whitelock  
 Charles Lo. Fleetwood

Lo. Chamberlaine  
 Lo. Eure  
 Lo. Cleypole  
 Lo. Disbrow  
 Lo. Glynne  
 Lo. Lenthall

Lo. Wolseley  
 Lo. Skippon  
 Wal. Lo. Strickland  
 Ph. Lo. Jones  
 Jo. Lo. Fiennes  
 W<sup>m</sup> Lo. Strickland

M<sup>r</sup> Lockier prayed

Lo. Whalley  
 Lo. Honiwood  
 Lo. Roberts Lo. Johnston  
 Lo. Ingoldsby  
 Lo. Pack  
 Lo. Tichburne  
 Lo. Tomlinson  
 Lo. Hewson  
 Lo. Thomas  
 Lo. Berry  
 Lo. Goffe  
 Lo. Cooper

The [House according] Lord keep Fiennes acquainted the house w<sup>th</sup> the humble Desire of M<sup>r</sup> Baron Nicholas for liberty to goe into the Country for his health

ORDERED That M<sup>r</sup> Baron Nicholas haue leaue to goe into the Country for his health



The House according to the Ord<sup>r</sup> yesterday tooke vpp the Debate vppon the Report made by the lord keep Fiennes w<sup>ch</sup> was read and the further Debate thereof adjourned till to morrow morning

The Lord Fiennes w<sup>th</sup> Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be adiourned till to morrow morning nine of the Clock.

Wednesday 23 Febr. 1658.

Present

Lord keep { Fiennes  
[Lisle]  
[Whitelock]

Lo. keep Lisle  
Lo. keep Whitelock  
Lo. Falconberge  
Lo. Evre

Lo. Disbrow  
Lo. Lenthall  
Lo. Wolseley

Lo. Skippon  
Walt. Lo. Strickland  
Philip Lo. Jones

Mr Sterry prayed.

W<sup>m</sup> Lo. Strickland

Lo. Whalley  
Lo. Honiwood  
Lo. Johnston  
Lo. Pack  
Lo. Tichburne  
Lo. Tomlinson

Lo. Thomas  
Lo. Berry  
Lo. Goffe  
Lo. Cooper

ORDERED

That y<sup>e</sup> [Lord keep Fiennes] *Debate adjourned* to this Day be adjourned till to morrow morning

The Lord keep Fiennes by Consent of the Lords did Declare this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow nine of the Clock

Thursday 24 Febr. 1658.

Present

Lo. keeper { Fiennes  
Lisle  
Whitelock

Charles Lo. Fleetwood  
Lo. Visc<sup>t</sup> Fauconberge  
Lo. Visc<sup>t</sup> Howard

Lo. Evre  
Lo. Disbrowe  
Lo. Glynne  
Lo. Lenthall

Lo. Wolseley  
Lo. Skippon  
Walter Lo. Strickland  
Philip Lo. Jones  
William Lo. Strickland  
Lo. Onslowe  
Lo. Whalley

Lo.  
Lo. Honiwood  
Lo. Roberts  
Lo. Johnston

Lo. Pack  
Lo. Tichburne  
Geo. Lo. Fleetwood  
Lo. Tomlinson  
Lo. Hewson  
Lo. Thomas  
Lo. Berry  
Lo. Goffe  
Lo. Cooper

Mr Peters prayed.

The house resumed the Debate vppon the Report made from his Highnes by the Lord keep Fiennes on Monday last and the further debate thereof was adjourned till to morrow nine of the Clock

The Lord keep Fiennes by Consent of the Lords declared this present Parliamt to be Continued till to morrow morning nine of the Clock.

Friday the 25 Febr. 1658.

Present

Lord keep Fiennes  
Lo. keep Lisle  
Lo. keep Whitelock  
Lo. President

Lo. Whalley  
Lo. Honiwood  
Lo. Roberts

Lo. Eure  
Lord Disbrowe

Lo. Johnston  
Lo. Ingoldsby  
Lo. Paek  
Lo. Tichburne

Lo. Lenthall  
Lo. Wolseley  
Lo. Skippon  
Wal. Lo. Strickland  
*Philip Lo. Jones*  
W<sup>m</sup> Lo. Strickland  
Lord Onslow

Geo. Lord Fleetwood  
Lo. Tomlinson  
Lo. Hewson  
Lo. Thomas  
Lo. Berry  
Lo. Goffe  
Lord Coop

Mr White prayed.

The house resumed the Debate vppon the Report made by the Lord keep Fiennes on Monday last and therevppon passed this Resolue.

Vppon Consideraçon of the State of affaires as they haue been represented to this House in the Narratiue made by comāund of his Highnes, this house doth iudge it necessary and *resolue* that it be offered to his Highnes as their aduise That a Considerable Navy be forthw<sup>th</sup> equipped and set forth to Sea for the safety of this Coñmonwealth and the p<sup>r</sup>servaçon of the Trade and Coñmerce thereof.

RESOLUED

That it be offered to his Highnes as the aduise of this House that his Highnes by and w<sup>th</sup> the aduise of [the] *his* Councell Doe dispose of this Fleet for the security of this Nation and for the preservaçon of Trade and Coñmerce and that his Highnes by and w<sup>th</sup> the aduise of his Councell Doe send such pt of this Fleet as they shall find requisite w<sup>th</sup> Instrucçons for mediating a Peace between the kings of Sweden and Denmark and for p<sup>r</sup>serving and maintaining the Freedome and liberty of the Trade and Coñmerce of these Nations through the Sound and in y<sup>e</sup> Easterne Seas.

ORDERED

That the Com<sup>tee</sup> for priuiledges Doe meet this afternoone and appoint a subCom<sup>tee</sup> to puse the Journall of this house once in every Weeke to see the same be rightly entred.

The Lord keep Fiennes by Consent of the Lords Did Declare this present Parliamt so be Continued till to morrow ten of the Clock.

Saturday 26 February 1658.

Lo. keep {  
Fiennes  
Lisle  
Whitelock

W<sup>m</sup> Lo. Strickland  
Lo. Onslow  
Lo. Whalley



Lo. President

Lo. Honiwood

Lord *Visc<sup>t</sup>* Howard

Lo. Johnston

Lo. Pack

Lo. Tichburne

Lo. Disbrow

*Lo. Berkstead*

Lo. Montagu

Geo. Lord Fleetwood

Lo. Tomlinson

Lo. Lenthall

Lo. Hewson

Lo. Thomas

Walter Lord Strickland

Lo. Berry

Phillip Lord Jones

Lo. Goffe

Lo. Cooper

Mr Sterry praied.

The Lord Keep Fiennes acquaints the house that the Com<sup>tee</sup> for Priviledges pvsing the Journall Doe observe that in a Vote of this house passed yesterday concerning the [preparing] *equipping* and sending forth a Navy, it will rend<sup>r</sup> the sence more cleare that the word (Resolue) be inserted wherevppon the vote was read and by ord<sup>r</sup> vppon the Question the word (resolue) was inserted next before these words that it be offered to his Highness &c.

The Lord keep Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill Monday next at nine of the Clock in the morning.

Monday 28 February 1658.

Present

Lo. keep Fiennes

Lo. Onslow

Lo. keep Lisle

Lo. Whalley

Lo. keep Whitelock

Lo. Honiwood

Lo. Visc<sup>t</sup> Fauconberge

Lo. Roberts

Lo. Johnston

Lo. Ingoldsby

Lo. Evre

Lo. Pack

Lo. Disbrowe

Lo. Tichburne

Lo. Montagu

Geo. Lo. Fleetwood

Lo. Glynne

Lo. Tomlinson

Lo. Lenthall

Lo. Hewson

Lo.

Lo. Wolseley

Lo. Berry

Lo. Goffe

Walter Lo. Strickland

Lo. Coop

Willm Lo. Strickland

Mr Hooke prayed.

The Lord keep Fiennes by Consent of the Lords declared this present Parliam<sup>t</sup> to be Continued till to morrow ten of the Clock in the morning

Tuesday the 1<sup>st</sup> of March 1658.

Present

Lo. keep Fiennes	Lord Onslow
Lo. keep Whitelock	Lord Whalley
	Lo. Hampden
	Lo. Roberts
Charles Lo. Fleetwood	Lo. Johnston
	Lo. Ingoldsby
Lo. Visc <sup>t</sup> Fauconberge	Lo. Pack
Lo. Visc <sup>t</sup> Howard	Lo. Tichburne
Lo. Evre	Jo. Lo. Jones
Lo. Broghill	Geo. Lo. Fleetwood
Lo. Disbrow	Lo. Tomlinson
Lo. Montagu	
Lo. Glynne	Lo. Goffe
Lo. Lenthall	Lo. Cooper
Walter Lo. Strickland	
Phillip Lord Jones	
W <sup>m</sup> Lo. Strickland	
Mr Lockyer prayed.	

The house was adjourned During pleasure

The house was resumed

The Lord keep Fiennes by Consent of the lords Declared this present Parliam<sup>t</sup> to be continued vntill to morrow morning ten of the Clock.

MEMORAND<sup>ũ</sup> that before the sitting of the house the Lord Broghill tooke the Oath in the Lobby before the Lord Disbrow Lord Montagu and Phillip Lord Jones and then came into the house.

Wednesday 2 [FEBRUARY] *March* 1658.

Lord keeper Fiennes	Lo. Onslow
Lo. keep [Fiennes] <i>Lisle</i>	Lo. Whalley
	Lo. Hampden
	Lo. Honiwood
	Lo. Roberts
	Lo. Ingoldsby
Lo. Eure	Lo. Pack
Lo. Disbrow	Lo. Tichburne
Lo. Lenthall	
Lo. Wolseley	Geo. Lo. Fleetwood
	Lo.
Walter Lo. Strickland	Lo. Berry
	Lo. Goffe
W <sup>m</sup> Lo. Strickland	Lo. Cooper

Mr White prayed.

The Lord keep Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow morning ten of the Clock.

Thursday 3 [FEBRUARY] *March* 1658.

Lord Keeper Fiennes	Lo. Whalley
Lord Keeper Lisle	
Lord Keeper Whitelock	



Charles Lo. Fletwood  
Lo. Visc<sup>t</sup> Lisle  
Lo. Evre

Lord Disbrough  
Lo. Montagu  
*Lo. Wolseley*  
Lord Sydenham

Walter Lo. Strickland  
Lo. Onslow

Lo. Roberts

Lo. Johnston  
Lo. Pack  
Lo. Titchborne

Lo. Thomlinson

Lo. Berry  
Lo. Goffe  
Lo. Cooper

Mr Peters prayed.

#### ORDERED

That it be referred to a Comtee of the Lords to consid<sup>r</sup> what pusion may be made for the indempnifying of such psons as since the last Act for Indempnity haue acted anything by ord<sup>r</sup> of his Highnes or the Councell for y<sup>e</sup> safety and peace of the Nations and to prepare an act for the purpose yf they see [cause] it necessary and report<sup>t</sup> it to the house viz<sup>t</sup>

Lo. keep Lisle  
Lo. keep Whitelock  
Lo. Disbrow  
Phillip Lo. Jones  
Lo. Johnston  
Lo. Pack

Lo. Tichburne  
Lo. Tomlinson  
Lo. Berry  
Lo. Goffe  
Lo. Coop

Mr Justice Newdegate }  
Mr Baron Hill to } Assistants

These Lords or any Fiue of them are to meete on Monday morning next at nine of the Clock in the roome called the Princes lodgings.

The Lord keep Fiennes by Consent of the lords declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill Saturday morning ten of the Clock.

Saturday 5 March 1658.

Lo. keeps {  
    { Fiennes  
    { Lisle  
    { Whitelock  
Lo. Presid<sup>t</sup>

Lo. Visc<sup>t</sup> Howard  
Lo. Eure  
Lo. Disbrow  
*Lo. Montagu*  
Lord Glynn  
Lord Lenthall

Walt. Lo. Strickland  
Philip Lo. Jones

Mr. White prayed.

Walter Lo. Strickland\*  
Lo. Onslow  
Lo. Whalley  
Lo. Honiwood  
Lo. Johnston  
Lo. Ingoldsby  
Lo. Pack  
Lo. Tichburne  
Jo. Lo. Jones  
Geo. Lo. Fleetwood  
Lo. Tomlinson  
Lo. Hewson  
Lo. Berry  
Lo. Goffe  
Lo. Cooper

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\* This should no doubt be William, Lord Strickland.

The Lord keeper Fiennes acquaints the Lords that it is the humble Desire of [this] Mr Justice Windham that this House would giue him liberty to goe for sometime into the Country vppon necessary occasion.

ORDERED

That Mr Justice Wyndham haue leaue for some time to goe into the Country

ORDERED That it be referred to a Com<sup>tee</sup> of the Lords to examine and state the whole Matter of Fact in the busines now in debate touching the Custody of the Records brought from Scotland to the Towr of London and the remouing of any of them and to report the state of it to the house viz<sup>t</sup>

Lo. keep Lisle

Lo. keep Whitelock

Lo. Presid<sup>t</sup>

Lo. Disbrow

Lo. Glynne

Lo. Lenthall

Walter Lo. Strickland

Philip Lo. Jones

Lo. Onslow

Lo. Johnston

Jo. Lo. Jones

these lords or any fine of them are to meet on Tuesday morning at Nine of the Clock in the lord keeps Lodgings.

The Lord keep Fiennes by Consent of the lords Declared this present Parliam<sup>t</sup> to be Continued vntill Monday morning next at ten of the Clock.

Monday 7 March 1658.

Lord Keeper { Fiennes  
Lisle  
Whitelock

Lord Onslow

Charles Lord Fleetwood

Lord Visc<sup>t</sup> Fauconberge

Lord Whalley

Lord Honiwood

Lord Roberts

Lord Johnston

Lord Ingoldsby

Lord Evre<sup>r</sup>

Lord Broghill

Lord Pack

Lord Tichburne

Jo. Lord Jones

Lord Disbrow

Lord Montagu

Lord Glynne

Geo. Lo. Fleetwood

Lord Tomlinson

Lo. Hewson

Lo. Berry

Lo. Goffe

Walter Lo. Strickland

Philip Lord Jones

William Lord Strickland

Lord Cooper

Mr Hooke prayed,

The Lord Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow morning ten of the Clock.

Tuesday 8 March 1658.

Lo. Keepers { Fiennes  
Lisle  
Whitlock

Lo. Honiwood

Lo. Roberts



Lo. Presid<sup>t</sup>  
 Charles lord Fleetwood  
 Lo. Visc<sup>t</sup> Fauconberge  
 Lo. Visc<sup>t</sup> Howard  
 Lo. Eure  
 Lo. Broghill  
 Lo. Disbrow  
 Lo. Wolseley  
*Lo Sidenham*  
 Walter Lo. Strickland  
 Phillip Lo. Jones  
 Lo. Onslow  
 Lord Whaley

Lo. Johnston  
 Lo. Pack  
 Lo. Tichborne  
 Jo. Lord Jones  
 Geo. Lo. Fleetwood  
 Lo. Tomlinson  
 Lo. Berry  
 Lo. Goffe  
 Lo. Cooper

The Lo. keep Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill [to morrow] Thursday next at [One] *Ten* of the Clock in the morning

Thursday 10 March 1658.

Lo. keeper {  
           Fiennes  
           Lisle  
           Whitelock

Lo. Presid<sup>t</sup>  
 Charles Lo. Fleetwood

Lo. Visc<sup>t</sup> Lisle  
 Lo. Eure  
 Lo. Disbrow  
 Lo. Sidenham  
 Philip Lo. Jones

W<sup>m</sup> Lo. Strickland  
 Lo. Onslow  
 Lo. Whalley  
 Lo. Hampden  
 Lo. Honiwood  
 Lo. Roberts  
 Lo. Johnston  
 Lo. Pack  
 Lo. Tichburne  
 John Lo. Jones  
*Geo. Lo. Fleetwood*  
 Lo. Tomlinson  
 Lo. Hewson  
 Lo. Berry  
*Lo. Goffe*  
 Lo. Cooper

Mr Peters prayed.

The Lord keep Fiennes by Consent of the Lords declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow morning ten of the Clock.

Friday 11 March 1658.

Lo. keeper  
 Lord Presid<sup>t</sup>  
 Charles Lo. Fleetwood

Lo. Eure  
 Lo. Disbrow  
 Lo. Montague  
 Lo. Wolseley  
 Lo. Sidenham  
 Wal Lo. Strickland  
 Philip Lo. Jones  
 W<sup>m</sup> Lo. Strickland

Lo. Onslowe  
 Lo. Whalley  
 Lo. Hamden  
 Lo. Honiwood  
 Lo. Johnston  
 Lo. Pack  
 Lo. Tichburne  
 John Lo. Jones  
 Lo. Tomlinson  
 Lo. Berry  
 Lo. Goffe  
 Lo. Cooper

Mr White prayed.

The house being acquainted that Edward Lord Montagu a Member of this House and one of the Generalls at Sea is comãunded by his Highnes to goe to Sea in the Fleete now going forth and expects the pleasure of this House therein.

ORDERED That the said Lord Montagu haue the leaue of this House to attend his service aforesaid

The Lord keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill Monday next at ten of the Clock in the morning.

Monday 14 March 1658.

Present

Lo. keeps {  
Fiennes  
Lisle  
Whitelock

Lo. Whalley

Charles Lo. Fleetwood

Lo. Honiwood

Lo. Roberts

Lo. Johnston

Lo. Evre

Lo. Disbrow

Lo. Pack

Lord Glynn

Lo Tichburne

Lo. Lenthall

Jo. Lo. Jones

Lo. Tomlinson

Walter Lo Strickland

*Lo. Hewson*

*Lo. Thomas*

Jo. Lord Fiennes

Lo. Berry

W<sup>m</sup> Lo. Strickland

Lo. Goffe

Lo. Coop

Mr. Wood prayed.

ORDERED That the se<sup>u</sup>all Comittees to whom there haue been any matters referred or Cm<sup>ted</sup> by this house Doe expedite their se<sup>u</sup>all Report<sup>s</sup> and make report[s] to the house as speedily as may be

That the Co<sup>m</sup>ittee to whom it was referred to prepare a bill for Indemnifying these p<sup>so</sup>ns who haue acted for the publike good Doe meete to morrow morning at nine of the Clock at the place formerly appointed and bring in the bill w<sup>th</sup> all speed.

[The] *A* bill was presented concerning the other House of Parliam<sup>t</sup> limiting the *number* Rights and priuiledges of the p<sup>so</sup>ns sitting in that House w<sup>ch</sup> being first opened and the subiect matter of it appued the same was by ord<sup>r</sup> vpon the Question read the first time and ordered to be read the second time to morrow morning.

The Lord keep Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued until to morrow ten of the Clock.

Tuesday 15 March 1658.

Present

Lo. keeper {  
Fiennes  
Lisle  
Whitelock

William Lo. Strickl

Lo. Whalley

Lo. Honiwood

Lo. Presid<sup>t</sup>

Lo. Johnston

Charles Lo. Fleetwood

Lo. Ingoldsby

Lo. Pack

Lo. Disbrow

Lo. Tichburne



Lo. Lenthall  
 Lo. Wolseley  
 Lo. Sidenham  
 Wal. Lo. Strickland  
 P. lord Jones  
 Jo. Lo. Fiennes

Jo. Lo. Jones  
 Lo. Tomlinson  
 Lo. Thomas  
 Lo. Berry  
 Lo. Goffe  
 Lo. Coop

Mr Lockier prayed

The bill concerning the other House of Parliamt<sup>t</sup> limitting the Number Rights and priviledges of the psons sitting in that House was this Day read the second time and vpon the Question comitted to

Lo. Keeper Lisle  
*Lo keep Whitelock*  
 Lo. President  
 Lo. Fleetwood  
 Lo. Disbrow Lo. Glynn

Lo. Wolseley  
*lo. Sidenham*  
 Walter lo. Strickland  
 [Lo. Whalley] P. lord Jones  
 Jo. Lo. Fiennes

Lo. Cheife Baron  
 Baron Hill assistants }

W<sup>m</sup> Lo. Strickland  
 Lo. Whalley  
 Lo. Johnston  
 Lo. Ingoldsby  
 4 Lo. Tomlinson  
 3 Jo. lo. Jones  
 1 Lo. Pack  
 2 lo. Tichborne  
 5 Lo. Thomas  
 Lo. Berry  
 Lo. Goffe  
 Lo. Coop

These lords or any fine of them are to meet on this bill to morrow morning at nine of the Clock in the chamb<sup>r</sup> called the Princes lodgings.

The Lord keep Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliamt<sup>t</sup> to be Continued vntill to morrow in the morning ten of the Clock

Wednesday 16th March 1658.

Present

Lo. keep Fiennes  
 Lo. keep Lisle  
 Lo. keep Whitelock  
 Lord President

Lo. Visc<sup>t</sup> Howard

Lo. Eure  
 Lo. Cleypole  
 Lo. Disbrow  
 Lo. Wolseley  
 Lo. Sidenham  
 Walter Lo. Strickland  
 Philip Lord Jones  
 John Lo. Fiennes  
 W<sup>m</sup> Lo. Strickland  
 Lo. Onslow

Lo. Whalley  
 Lo. Hampden  
 Lo. Honiwood  
 Lo. Roberts  
 Lo. Johnston  
 Lo. Ingoldsby  
 Lo. Pack  
 Lo. Tichburne  
 Jo. Lo. Jones  
 Lo. Tomlinson

Lo. Hewson  
 Lo. Thomas  
 Lo. Berry  
 Lo. Goffe  
 Lo. Coop

Mr Howe prayed

ORDERED That the Lord Cheife Baron [haue leaue to be absent] be dispenced w<sup>th</sup> for his attendance on this house for Fower dayes.

That the Report of the amendm<sup>ts</sup> to the bill for renouncing and disanulling the pretended Title of Charles Stuart be made to morrow morning

The Lord Disbrow report<sup>ts</sup> from the Com<sup>tee</sup> to whom the same was referred a Bill entituled an Act for Indempnity w<sup>ch</sup> was now read the first time and ordered to be read the second time on Friday next

The Lord keep Fiennes by Consent of the lords declared this p<sup>rsent</sup> Parliamt to be Continued vtill to morrow morning ten of the Clock

Thursday 17 March 1658.

Present

Lo. keep Fiennes	Lo. Whalley
Do. keep Lisle	Lo. Hampden
Lo. keep Whitelock	Lo. Honiwood
Lo. President	Lo. Roberts
Charles Lo. Fleetwood	
Lo. Visc <sup>t</sup> Howard	Lo. Ingoldsby
Lo. Visc <sup>t</sup> Lisle	Lo. Pack
Lo. Cleypole	Lo. Tichburne
Lo. Disbrow	
Lo. Glynn	Lo. Tomlinson
Lo. Lenthall	
Lo. Wolseley	Lo. Hewson
Lo. Skippon	Lo. Berry
Walter Lo. Strickland	Lo. Goffe
Philip Lo. Jones	Lo. Coop
Jo. Lo. Fiennes	
W <sup>m</sup> Lo. Strickland	
Lo. Onslow	

Mr Peters prayed.

The Lord Disbrow report<sup>ts</sup> from the Com<sup>tee</sup> to whom the Bill for renouncing and Disannulling the *p<sup>rtended</sup>* Title of CHARLES STUART &c. amendm<sup>ts</sup> to the said Bill w<sup>ch</sup> were twice read and vpon the Question agreed and the bill ordered to be ingrossed.

ORDERED

That Mr S<sup>rt</sup> Earle be Desired to prepare the Bill w<sup>ch</sup> was referred to him to Draw for Confirma<sup>co</sup>n of publique sales and that Mr Baron Hill after advising with Mr S<sup>rt</sup> Earle therein be Desired to report the same on Monday next.

ORDERED That the p<sup>rsent</sup> Debate vpon the Votes of this house for advise to his Highnes touching the Fleet be adjourned till to morrow morning

The Lord *keep* Fiennes by consent of the lords Declared this present Parliamt to be continued vtill to morrow at ten of the Clock in the morning.

Friday 18 March 1658.

Present

Lo. keep {	Fiennes	Lo. Whalley
	Lisle	Lo. Hampden
	Whitelock	Lo. Honiwood



Lo. Presid<sup>t</sup>  
Charles Lo. Fleetwood

Lo. Visc<sup>t</sup> Howard  
Lo. Visc<sup>t</sup> Lisle  
Lo. Broghill  
Lo. Cleypole  
Lo. Disbrow  
Lo. Glynne  
Lo. Lenthall  
Lo. Wolseley  
Lo. Sidenham  
Lo. Skippon  
Wal. Lo. Strickland  
Philip Lo. Jones  
Jo. Lo. Fiennes  
Willm Lo. Strickland  
Lo. Onslow

Lo. Roberts  
Lo. Johnston  
Lo. Ingoldsby  
Lo. Pack  
Lo. Tichburne  
Lo. Tomlinson

Lo Thomas  
Lo. Berry  
Lo. Goffe

Mr Howe prayed

The house resumed the Debate adjourned yesterday. The Resolue of this house passed the 25th of February last was now read being in these words

Vppon Considera<sup>ti</sup>on of the State of Affaires as they haue been represented to this House in the Narratiue made by Co<sup>m</sup>maund of his Highnes this House doth iudge it necessary and resolue that it be offered to his Highnes as their advice that a Considerable Navy be forthw<sup>th</sup> equipped and set forth to Sea for the safety of this Co<sup>m</sup>monwealth and the preserva<sup>ti</sup>on of the Trade and Commerce.  
and some addi<sup>ti</sup>on being offered to be made to the said Vote in these words and that His Highnes be desired to take order that the same be donne accordingly after some Debate had therein this Vote was vppon the Question passed.

Vppon consid<sup>er</sup>a<sup>ti</sup>on of the state of affaires as they haue been represented to this House in the Narratiue made by Co<sup>m</sup>maund of his Highnes

This House doth iudge it necessary and resolue that it be offered to his Highnes as their aduise that a Considerable Navy be forth w<sup>th</sup> equipped and set forth to Sea for the safety of this Co<sup>m</sup>monwealth and the preserva<sup>ti</sup>on of the Trade and Co<sup>m</sup>merce thereof and that his Highnes be Desired to take ord<sup>r</sup> that the same be donne accordingly

RESOLUED

That this be offered i<sup>m</sup>mediately to his Highnes as the aduice of this House

ORDERED

That the Lord keep Fiennes *Speaker of this House* be desired to Co<sup>m</sup>municate this Vote to his Highnes from this House accordingly.

The Lord keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill Monday ten of the Clock in the Morning.

Monday 21 March 1658.

Present

Lord Keeper { Fiennes  
                  { Lisle

Lo. Onslow

Charles Lord Fleetwood	Lo. Whalley
	Lo. Hampden
Lord Visc <sup>t</sup> Fauconberge	
	Lo. Johnston
Lord Broghill	Lo. Ingoldsby
Lo. Disbrow	Lo. Pack
Lo. Glynne	Lo. Tichburne
Lo. Lenthall	Geo. Lo. Fleetwood
Lo. Wolseley	Lo. Hewson
Lo. Skippon	Lo. Berry
Philip Lo. Jones	Lo. Goffe
	Lo. Coop .

Mr. Hooke prayed.

#### ORDERED

That it be referred to a Com<sup>tee</sup> of the Lords of this House to search among the Records of this House what presidents there are that any thing hath arisen from this House in ord<sup>r</sup> to the lessening [of] any Charge vppon the people either in point of time or Quantity. viz<sup>t</sup>. to

Lord keep Lisle	Phillip Lo. Jones
Charles Lo. Fleetwood	Lo. Onslow
Lo. Visc <sup>t</sup> Fauconberge	Lo. Whalley
Lo. Broghill	Lo. Pack
Lo. Disbrow	Lo. Tichburne
Lo. Glynne	Geo. Lo. Fleetwood
Lo. Lenthall	Lo. Berry
Lo. Wolsley	Lo. Coop

These Lords or any five of them are to meete to morrow at nine of the Clock in the morning in the lord keeps Lodgings vppon this busines.

ORDERED That the engrossed bill for renouncing and disannulling the pretended Title of Charles Stuart be read the third time to morrow morning the first busines

That the Bill for Confirmacon of sales be [reported] *brought in* and read to morrow morning

The Lord keep Fiennes by Consent of the lords Declared this present Parliam<sup>t</sup> to be Continued vntill to morrow morning at ten of the Clock.

Tuesday 22 March 1658.

#### Present

Lord keep Fiennes	Lo. Onslow
	Lo. Whalley
Lord keep Whitlock	Lo. Honiwood
Lord President	Lo. Roberts
Charles Lord Fleetwood	Lord Johnston
Lo. Viscount Howard	Lo. Tichburne
Lo. Viscount Lisle	John Lo. Jones
Lo. Broghill	Geo. Lo. Fleetwood
Lo. Cleypole	
Lord Disbrowe	Lo. Berry
	Lo. Goffe
Lord Lenthall	Lord Cooper
Lord Wolseley	



Lo. Sidenham  
Lo. Skippon

Walter Lo. Strickland  
Philip Lo. Jones  
John Lo. Fiennes

Mr Wood prayed.

The Bill entituled An Act for renouncing and Disannulling the p<sup>r</sup>tended Title of Charles Stuart &c. was this Day read the third time and vpon the Question passed.

Mr Baron Hill reports a Bill for Confirmacon of Sales made of the late Lands &c. of the king Queene and Prince Archb<sup>pps</sup> &c. w<sup>ch</sup> was this Day read the first time and ordered to be read the second time on Thursday next

The Lord Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vutill to morrow ten of the Clock in the morning.

Wednesday 23 March 1658.

Present

Lo. keep Fiennes  
Lo. Keep Lisle

Lo. Presid<sup>t</sup>

Lo. Visc<sup>t</sup> Howard  
Lo. Visc<sup>t</sup> Lisle  
Lo. Cleypole  
Lo. Disbrow

Lo. Lenthall  
Lo. Wolseley

Phillip lo. Jones  
Jo. Lo. Fiennes

Lord Onslow  
Lo. Whalley  
Lo. Honiwood  
Lo. Roberts  
Lo.

Lo. Pack  
Lo. Tichburne  
John Lo. Jones  
Geo. Lo. Fleetwood  
Lo. Hewson

Lo. Berry  
Lo. Goffe

Mr Sterry prayed

The Bill entituled An Act of Indempnity was this day read the second time and vpon the Question Co<sup>m</sup>mitted to

Lo. keep Lisle  
Lo. keep Whitelock  
Lo. Presid<sup>t</sup>  
Lo. Visc<sup>t</sup> Howard  
Lo. Visc<sup>t</sup> Lisle  
Lo. Cleypole  
Lo. Disbrow  
Lo. Glynn  
Lo. Lenthall  
Lo. Wolseley  
Walter Lo. Strickland  
Phillip Lo. Jones  
John Lo. Fiennes

Lo. Onslow  
Lo. Whalley  
Lo. Roberts  
Jo. Lo. Jones  
Geo. Lo. Fleetwood  
Lo. Hewson  
Lo. Berry  
Lo. Goffe  
Lord Cheife Baron  
Mr Baron Hill.

These Lords or any five of them are to meet on this bill on Friday morning next at nine of the Clock in the roome called the Princes lodgings.

ORDERED That the Bill for Confirmation of publique sales be read on Friday morning next

The Lord *keep* Fiennes by Consent of the Lords declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vnto Friday morning next at ten of the Clock in the morning.

Friday 25 March 1659.

Present

Lo. keep Fiennes  
Lisle  
Whitelock

Lo. Whalley

Lo. Roberts

Lo. President

Lo. Johnston

Lo. Pack

Lo. Tichburne

Lo. Cleypole

Geo. Lo. Fleetwood

Lo. Disbrow

Lo. Glynn

Lo. Thomas

Lo. Lenthall

Lo. Hewson

Lo. Wolseley

Lo. Berry

Lo. Goffe

Lo. Skippon

Walter Lo. Strickland

Philip Lo. Jones

Mr. Peters prayed

That the Bill for [regulacon] *confirmacōn* of Sales be read on Tuesday next.

The Lord keep Fiennes by Consent of the Lords Declared [this House] *this p<sup>r</sup>sent Parliam<sup>t</sup>* to be Continued vntill Tuesday next at ten of the Clock in the morning.

Twesday 29 March 1659.

Present

Lord Keeper Fiennes

Lisle

Lord Charles Fleetwood

Lord Onslow

Lord Whalley

Lo. President

Lord Hampden

Lord Viscount Howard

Lord Johnston

Lord Cleypole

Lord Pack

Lord Disbrough

Lord Titchborne

Jo. Lord Jones

Lo. Berkstead

Ld. Chiefe Justice Glynn

Lo.

Lord Lenthall

Lord Sydenham

Lord Hewson

Lord Skippon

Lord Berry

Walter Lord Strickland

Lord Goffe

Philip Lord Jones

Lord Cooper

Mr. Wood prayed.



The Bill for Confirmation of Sales made of the late Landes &c. of the King Queene Princee Arch Bishops &c. was this day read the second time and vpon the Question comitted to

Ld. keeper Lisle	Lord Vis-	
count Howard		Lord Whalley
Lord Disbrow		Lord Pack
Lord Glynn		Lord Titchborne
Lord Lenthall		John Lord Jones
Walt. Lord Strickland		Lord Berry
Phi. Lord Jones		Lord Cooper
Lord Onslow		

assistants { L<sup>d</sup> Chiefe Baron  
Mr Baron Hill  
Mr Justice Newdegate

These Lords are to meete on this Bill to morrow morning at Nine of the Cloek in the Chamber called the Princees Lodgings.

The Lord Keeper Fiennes by consent of the Lordes declared this p<sup>s</sup>ent Parliament to be continued vntill to morrow Morning at ten of the Cloek.

Wednesday 30 March 1659.

Present

Lo. keep { Fiennes	Lo. Onslow
Lo. Presid <sup>t</sup> { Lisle	Lo. Whalley
	Lo. Hampden
	Lo. Roberts
	Lo. Ingoldsby
	Lo. Pack
Lo. Broghill	Lo. Tichburne
	Jo. Lo. Jones
Lo. Disbrow	
Lo. Glynn	Lo. Hewson
Lo. Lenthall	Lo. Thomas
Lo. Wolseley	Lo. Berry
Lo. Skippon	
Walt <sup>r</sup> Lo. Strickland	Lo. Coop
Philip Lo. Jones	

Mr Sterry prayed.

Notiee being taken of the absence of diuse of the Lords it was moved that a Day may be appointed for the calling of this House and that the Judges assistants and also the attendants of this House may be required to attend the service of the House

ORDERED

That [the] all the Members of this House as also the Judges Assistants and the other Assistants of this House be required to giue their Dayly attendance vpon the seruice of this House.

The Question being ppounded

That a day be appointed for the Calling of the house according to the Roll of Summons and the Question being put that that Question be now put it passed in the Negatiue

The [House] Lord Keep Fiennes by Consent of the Lords Declared this p<sup>s</sup>ent Parliam<sup>t</sup>

Thursday 31 March 1658\*

Present

Lo. Keep Fiennes  
Lo. keep Lisle  
Lo. President  
Charles Lo. Fleetwood  
Lo. Visc<sup>t</sup> Fauconberge

Lord Disbrowe  
Lo. Glynne  
Lo. Wolseley  
Lo. Sidenham  
Walter Lo. Strickland  
Philip Lo. Jones

Lo. Onslow  
Lo. Whalley  
Lo. Hampden  
Lo. Roberts  
Lo. Johnston  
Lo. Ingoldsby  
Lo. Pack  
Lo. Tichburne

Jo. Lo. Jones

Lo. Goffe  
Lo. Cooper

Mr Howe prayed.

• The Lord *keep* Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow at ten of the Clock in the morning.

Friday the 1<sup>st</sup> of Aprill 1659.

Lo. keep Fiennes  
Lo. keep Whitelock

Lo. Presid<sup>t</sup>  
Charles Lo. Fleetwood  
Lo. Viscount Howard

Lord Cleypole  
Lord Glinne

Lo. Wolseley

Lo. Skippon  
Walter Lo. Strickland  
Philip Lo. Jones

Lo. Onslow  
Lo. Whalley  
Lo. Hampden  
Lo. Roberts  
Lo. Johnston  
Lo. Ingoldsby  
Lo. Pack  
Lo. Tichburne  
Jo. Lo. Jones  
Geo. Lord Fleetwood  
Lo. Thomas  
Lo. Berry

Lord Goffe  
Lo. Cooper

Mr. Peters prayed

The Lord keep Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till Munday at ten of the Clock in the morning.

Monday 4<sup>th</sup> of Aprill 1659.

Present

Lo. keep Fiennes  
Lo. keep Whitlock  
Lo. Presid<sup>t</sup>  
Charles Lo. Fleetwood

Lo. Viscount Howard  
Lo. Broghill  
Lo. Cleypole

Lo. Onslow  
Lo. Whalley  
Lo. Roberts  
Lo. Johnston

Jo. Lo. Jones

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\* This should obviously be 1659.



Lo. Disbrow  
Lo. Glynne  
Lo. Lenthall

Lo. Tomlinson

Lo. Thomas  
Lo. Berry  
Lo. Goffe  
Lo. Coop

Walter Lo. Strickland  
Philip Lo. Jones

Mr Hooke prayed

The Lord keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued till to morrow morning at ten of the Clock

Tewsday 5<sup>th</sup> of April 1659.

Present

Lord Keeper Fiennes  
Lord Keeper Lisle  
Lord Keeper Whitelock  
Lord Presid<sup>t</sup>  
Lord Broghill  
Lo. Disbrow  
Lo. Glynne  
Lo. Lenthall

Lord Onslow  
Lord Whalley

Lord Johnston

Jo. Lo. Jones  
Geo. Lo. Fleetwood  
Lo. Thomlinson  
Lo. Thomas  
Lo. Berry  
Lo. Goffe

Lord Sydenham  
Lord Skippon  
Walter Lord Strickland  
Philip Lord Jones

Mr How prayed

The Lord Keeper Fiennes by Consent of the Lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill ten of the Clock to morrow morning.

Wednesday 6<sup>th</sup> of Aprill 1659.

Present

Lo. keep Fiennes  
Lo. keep Lisle

Lo. Onslow  
Lo. Whalley

Lo. President

Lo. Roberts  
Lo. Johnston

Lo. Visc<sup>t</sup> Howard

Lo. Ingoldsby

Lo. Broghill

Lo. Pack  
Lo. Tichburne

Lo. Disbrow  
Lo. Glynn  
Lo. Lenthall  
Lo. Wolseley  
Lo. Sidenham  
Lo. Skippon  
Walter Lo. Strickland  
Phillip Lo. Jones  
Jo. Lo. Fiennes

Jo. Lo. Jones  
Geo. Lo. Fleetwood  
Lo. Tomlinson

Lo. Hewson  
Lo. Thomas  
Lo. Berry  
Lo. Goffe

Mr Sterry prayed.

The Lord keep Fiennes by Consent of the lords Declared this present Parliamt to be continued till ten of the Clock to morrow morning.

Thursday 7<sup>th</sup> of Aprill 1659

Present

Lo. Keeper Fiennes  
Lo. Keeper Whitelock

Charles Lo. Fleetwood

Lo. Broghill

Lo. Disbrowe  
Lo. Glynne  
Lo. Lenthall

Lord Sidenham  
Lord Skippon  
Walter Lo. Strickland  
Philip Lo. Jones  
John Lo. Fiennes

Lo.

Lo. Whalley

Lo. Roberts  
Lo. Johnston  
Lo. Pack  
Lo. Tichburne  
John Lord Jones

Geo. Lo. Fleetwood

Lo. Hewson  
Lo. Berry  
Lo. Goffe  
Lo. Cooper

Mr Lockier prayed

The Lord keep Fiennes by Consent of the lords Declared this present Parliament to be Continued vntill ten of the Clock to morrow morning

Friday 8<sup>th</sup> Aprill 1659.

Present

Lo. keep Fiennes  
Lo. keep Whitelock  
Lo. Presid<sup>t</sup>  
Charles Lo. Fleetwood  
Lo. Visc<sup>t</sup> Howard

Lo. Broghill  
Lo. Disbrow  
Lo. Glynne  
Lo. Wolseley

Lo. Sidenham  
Walter Lo. Strickland

Jo. Lo. Fiennes

Lo. Whalley

Lo Johnston  
Lo. Pack  
Lo. Tichburne

Geo. Lo. Fleetwood  
Lo. Tomlinson  
Lo. Hewson  
Lo. Thomas  
Lo. Berry  
Lo. Goffe  
Lo. Coop

Mr Howe prayed.

The Lord keep Fiennes Communicates to the house that he hath received a Lre from his Highnes the Lord Protector to be Communicated to the house W<sup>ch</sup> being Directed thus viz<sup>t</sup>. To Our right Trusty and right Welbeloued Nathaniel Lord Fiennes Speaker of the Lords House to be Communicated to the House was by Consent of the Lords deliued



to the Clerke to be opened and was accordingly opened and read and was as followeth

Here enter the  
Lre

There was inclosed in the said Lre a Parchmt<sup>t</sup> w<sup>ch</sup> was also read being [as] in these words.

here entr the  
rep<sup>s</sup>en[trance] tacon

#### ORDERED

That this House Doe on Monday next take in to Considera<sup>õ</sup>n the Matter of this Lre so farre as Concernes this House

The Lord keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parl to be Continued vntill ten of the Clock on Monday morning next.

Monday 11 Aprill 1659.

#### Present

Lo. keep Fiennes

Lo. Onslow

Lo. Whalley

Lo. Hampden

Lo. Presid<sup>t</sup>

Charles Lo. Fleetwood

Lo. Viscount Howard

Lo. Johnston

Lo. Ingoldsby

Lo. Pack

Lo. Tichburne

John Lo. Jones

Geo. Lo. Fleetwood

Lo. Tomlinson

Lo. Broghill

Lo. Disbrowe

Lo. Glyne

Lo. Lenthall

Lo. Wolseley

Lo. Sidenham

Wal. Lo. Strickland

John Lo. Fiennes

Lo. Hewson

Lo. Berry

Lo. Goffe

Lo. Cooper

Mr Rowe prayed.

The house according to former ord<sup>r</sup> tooke vpp the Debate vppon his Highnes Lre and the Copie of the Adresse and Representa<sup>õ</sup>n therein inclosed.

#### ORDERED

That it be [offe]referred to a Co<sup>m</sup>ittee to Consid<sup>r</sup> of some necessary p<sup>r</sup>uision to be made for securing the Nation against the Co<sup>m</sup>on

enemy and to offer the same to the house to morrow morning for their further Consideration viz<sup>t</sup>. to

Lo. keep Lisle	Lo. Strickland
Lo. Presid <sup>t</sup>	Lo. Onslow
Charles Lo. Fleetwood	Lo. Whalley
Lo. Disbrow	Lo. Tichburne
Lo. Glinne	Jo. Lo. Jones
Lo. Lenthall	Geo. Lo. Fleetwood
Lord Sidenham	Le. Hewson
Lo. Skippon	Lo. Berry
	Lo. Goffe

These Lords or any Five of them are to meete this after noone in the Lord keeps lodgings.

The Lord keep Fiennes by Consent of the lords declared this present Parliam<sup>t</sup> to be Continued vntill to morrow ten of the Clock in the morning.

Tuesday 12 Aprill 1659.

Present

Lord keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Whalley
Lo. keep Whitelock	Lo. Hampden
Lord President	Lo. Roberts
Charles Lo. Fleetwood	Lo. Johnston
	Lo. Ingoldsby
Lo. Vis <sup>t</sup> Lisle	Lo. Pack
Lo. Broghill	Jo. Lo. Jones
Lo. Disbrowe	
Lo. Glinne	Lo. Barkstead
Lo. Lenthall	Geo. Lo. Fleetwood
Lo. Wolseley	Lo. Tomlinson
Lo. Sidenham	Lo. Hewson
Lo. Skippon	Lo. Thomas
Wa. Lo. Strickland	Lo. Berry
Philip Lo. Jones	Lo. Goffe
Jo. Lo. Fiennes	Lo. Cooper

Mr White prayed.

The Lord Whalley reports from the Committee appointed yesterday to meete and to consider of some necessary provisions for securing the Nation against the Common Enemy that the said Committee haue met but [can] *could* not be ready w<sup>th</sup> such Report by the time limited them.

ORDERED that the said Lords Committees Doe meet againe this afternoone and bring in their Report to morrow morning

The Lord *keep* Fiennes by Consent of the lords Declared this present Parliam<sup>t</sup> to be Continued vntill to morrow morning at ten of the Clock.

Wednesday 13 Aprill 1659.

Present

Lo. keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Hampden
Lo. keep Whitelock	Lo. Roberts
Lo. President	Lo. Pack
	Lo. Tichburne
Lo. Viscount Lisle	



Lo. Broghill	Lo. Tomlinson
Lo. Wolseley	Lo. Thomas
Lo. Skippon	
Walter Lo. Strickland	
Philip Lo. Jones	
John Lord Fiennes	

Mr Wood prayed

ORDERED

That the report from the Comtee appointed to be made this Day be made to morrow morning .

The Lord keep Fiennes by Consent of the lords Declared this present Parliamt to be Continued till to morrow Morning ten of the Clock.

Thursday 14 Aprill 1659.

Present

Lo. keep Fiennes	Lo. Onslowe
Lo. keep Lisle	Lo. Whalley
Lo. keep Whitelock	Lo. Hampden
Lo. President	Lo. Roberts
	Lo. Johnston
Lo. Viscount Lisle	Lo. Ingoldsby
	Lo. Pack
Lo. Broghill	Lo. Tichburne
	Jo. Lo. Jones
Lo. Disbrow	Lo. Barkstead
Lo.	
Lo. Lenthall	Lo. Berry
Lo. Wolseley	Lo. Goffe
	Lo. Cooper
Lo. Skippon	
Walter Lo. Strickland	

Mr Peters prayed

ORDERED That the Committee to whom the bill for Confirmacōn of publique sales [WAS REFERRED] be revived and that they meete on Tuesday next at the vsually place and time.

A Bill entituled an Act for abolishing the Booke of Coñon prayer was this Day read the first time, and appointed to be read the second time to morrow morning.

A Message was brought from the House of Coñons by Mr Grove and a great number of other Membrs of that house.

The Gentleman Vsher acquaints the House that Diuse Membrs of the house of Coñons are at the doore wth a Message from that house wherevpon they were Called in and Mr Groue accompanied wth many other Membrs being come to the Barre the Lord keep Fiennes and diuse of the lords went to the barre whither the Coñons being come [the] Mr Groue deliued his Message in these words

The Knights Citizens and Burgesses [of] in this present Parliamt assembled haue sent vpp a Declaraçōn for a Fast whercin they desire the Concurrence of this House, and therevpon wthdrew and [after] were againe Called in and received this answere

That this house hath taken their Message in to Consideracōn and will send an Answere by Messengrs of their owne.

The Declaracōn sent from the house of Cõmons entituled A DECLARATION of the Lord Protector and both Howses of Parliament for a Day of solemne fasting and Humiliation to be obserued in all places within the Cõmonwealth of England Scotland and Ireland vpon the 18<sup>th</sup> day of May 1659 was this Day read the first time and appointed to be taken in to further Consideracōn to morrow morning.

The lord keep Fiennes by Consent of the lords Declared this present Parliam<sup>t</sup> to be Continued till to morrow morning nine of the Clocke.

Friday the 15<sup>th</sup> of Aprill 1659.

Present

Lo. keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Whalley
	Lo. Hampden
Lo. Presid <sup>t</sup>	
Charles Lo. Fleetwood	
Lo. Visc <sup>t</sup> Lisle	Lo. Johnston
	Lo. Ingoldsby
Lo. Disbrowe	Lo. Pack
Lo. [Lenth] Glyne	Lo. Tichburne
Lo. Lenthall	Jo. Lo. Jones
	Lo. Barkstead
Lo. Sidenham	
Lo. Skippon	Lo. Thomas
Walter Lo. Strickland	Lo. Berry
Philip Lo. Jones	Lo. Goffe
John Lord Fieñes	Lo. Cooper

Mr Howe prayed

The Declaracōn entituled A Declaration of the Lord Protector and both Howses of Parliament for a Day of solemne Fasting and humiliation to be obserued in all places within the Cõmonwealth of England Scotland and Ireland vpon the eighteenth day of May 1659 was this Day read the second time.

The same was [resolved] read by parts and agreed vnto *these words, For though, in the 14<sup>th</sup> line.*

The Question being ppounded whither the house should be adjourned till Monday and the Question being put whether that Question should be now put [the] and [the] it being doubtfull w<sup>ch</sup> way it was carried. the Lord Viscount Lisle and the Lord Whalley were appointed to take the votes vpon numbring whereof it appeared the greater numb<sup>r</sup> of Votes were for putting the Question w<sup>ch</sup> was accordingly put and resolved in the Affirmatiue and therevpon

The Lord keep Fiennes according to the resoluōn of the lords Did Declare this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill nine of the Clock on Monday morning

Monday the 18<sup>th</sup> of Aprill 1659.

Lo. keep Fiennes	Jo. Lo. Fiennes
Lo. keep Lisle	Lo. Onslow
Lo. keep Whitelock	Lo. Whalley
Lo. Presid <sup>t</sup>	
Charles Lo. Fleetwood	
Lo. Visc <sup>t</sup> Fauconberge	Lo. Roberts

(O. 14.)

N N



Lo. Visc<sup>t</sup> HowardLo. Visc<sup>t</sup> Lisle

Lo. Broghill

Lo. Cleypole

Lo. Disbrow

Lo. Glynn

Lo. Lenthall

Lord Skippon

Walter Lord Strickland

Philip Lord Jones

Mr Nye prayed

Lo. Johnston

Lo Ingoldsby

Lo. Pack

Lo. Tichburne

Jo. Lord Jones

Lo. Tomlinson

Lo. Hewson

Lo. Thomas

Lo. Berry

Lo. Goffe

Lo. Cooper

The Lord keep Lisle first of the Co<sup>m</sup>ittees for consid<sup>ing</sup> of some necessary p<sup>u</sup>isions for securing the Nation against the Co<sup>m</sup>on Enemy report<sup>s</sup> the draught of an Act enioyning Papists and other p<sup>o</sup>ns who haue borne Armes vnd<sup>r</sup> the late king &c. to Depart out of the Cityes of London and Westm<sup>r</sup> &c. and phibiting Horseraces and Cockmatches. w<sup>ch</sup> was read the first time and ordered to be read againe to morrow morning

The House resumed the Debate vppon the Declara<sup>ti</sup>o<sup>n</sup> for a Fast pceeding therein by pts begining with the Clause in the 14<sup>th</sup> line For though &c. w<sup>ch</sup> was read

The house was resolved into a Grand Com<sup>tee</sup>

The House was resumed.

That Clause being agreed to be postponed. the other Clauses were read vnto these words And that w<sup>ch</sup> makes these abhominaco<sup>n</sup>s the more Nationall &c. w<sup>ch</sup> were also agreed to be postponed

The Clause begining thus And that w<sup>ch</sup> makes these abhominaco<sup>n</sup>s &c. and ending thus infecting of others was read

ORDERED That the Debate on this Clause be adjourned till to morrow morning

The Lord keep Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be continued till to morrow morning nine of the Clock

Tuesday 19 Aprill 1659.

Present

Lo. keep Fiennes

Lo. keep Lisle

Lo. Presid<sup>t</sup>

Charles Lo. Fleetwood

Lo. Visc<sup>t</sup> FauconbergeLo. Visc<sup>t</sup> HowardLo. Visc<sup>t</sup> Lisle

Lo. Broghill

*Lo. Cleypole*

Lo. Disbrowe

Lo. Glynn

Lo. Lenthall

Lo. Sydenham

Lo. Onslow

Lo. Whalley

Lo. Hampden

Lo. Roberts

Lo. Johnston

Lo. Ingoldsby

Lo. Pack

Lo. Tichburne

John Lo. Jones

Lo. Tomlinson

Lo. Hewson

Lo. Thomas

Lo. Berry

Lo. Skippon  
 Walter Lo. Strickland  
 Philip Lo. Jones  
 Jo. Lo. Fiennes

Lo. Goffe  
 Lo. Coop

Mr Rowe prayed

An Act enioyning Papists and other psons who haue borne Armes vndr the late king &c. to depart out of the Cityes of London and Westm<sup>r</sup> &c. was this Day read the second time and Comitted to the same Com<sup>tee</sup> that brought it in and they or any Fiue of them are to meete this afternoone at three of the Clock in the Roome called the Lord Keepers lodgings.

Mr John Stephens brings from the house of Co<sup>m</sup>ons two Resolues of that house wherein they desire the Concurrence of this House

The Votes are as followeth viz<sup>t</sup>.

1. That during the sitting of the Parliam<sup>t</sup>, there shalbe no Generall Counsell or Meeting of the Officers of the Army without the direc<sup>cion</sup> leaue and authority of his Highnes the Lord Protector and both Howses of Parliament
2. That no person shall haue or Continue any Comaund or trust in any of the Armies or Navies of England, Scotland or Ireland or any the Dominions or Territoryes thereto belonging. who shall refuse to subscribe That he will not disturbe nor interrupt the Free Meetings in Parliam<sup>t</sup> of any the Member<sup>s</sup> of either house of Parliam<sup>t</sup> or their Freedome in their Debates and Councells.

w<sup>ch</sup> after the Messengers were w<sup>th</sup>drawne were read and vppon a vote passed they were againe Called in and this answe<sup>r</sup> returned that the Lords had taken the Message into Considera<sup>cion</sup> and would reterne an Answ<sup>r</sup> by Messenge<sup>rs</sup> of their owne

The Question being ppounded.

That the Considera<sup>cion</sup> of these Votes shalbe taken vpp without any other busines to intervene and the Question being put that that Question be now put and it being doubtfull by the Votes the Lord Viscount Lisle and Lo. Broghill were appointed to Count them who report that the affirmatiues [haue] were more then the negatiues and the maine Question being put it was

RESOLVED That the Considera<sup>cion</sup> of these Votes shalbe taken vpp without any other busines to intervene.

The Lord keep Fiennes by Consent of the Lords declared this [house] p<sup>re</sup>sent Parliam<sup>t</sup> to be Continued vntill to morrow morning nine of the Clock.

Wednesday 20 Aprill 1659.

Present

Lo. keeper Fiennes  
 Lo. keep Lisle  
 Lo. keep Whitelock  
 Lo. President  
 Charles Lord Fleetwood  
 Lo. Visc<sup>t</sup> Fauconberge  
 Lo. Visc<sup>t</sup> Howard  
 Lo. Visc<sup>t</sup> Lisle  
  
 Lo. Broghill  
 Lo. Cleypole

Lo. Onslow  
 Lo. Whalley  
 Lo. Hampden  
 Lo. Roberts  
 Lo. Johnston  
 Lo. Ingoldsby  
 Lo. Pack  
 Lo. Tichburne  
 Jo. Lo. Jones  
 Lo. Barkstead  
 [Lo.]



Lo. Disbrowe  
Lo. Glynne  
Lo. Lenthall

Geo. Lo. Fleetwood  
Lo. Tomlinson  
Lo. Hewson Lord Thomas

Lo. Sidenham  
Lo. Skippon  
Walter Lo. Strickland  
Philip Lo. Jones  
Jo. Lord Fiennes

Lo. Berry  
Lo. Goffe  
Lo. Cooper

Mr Wood prayed

Notice being taken that diverse of the Lords who were present yesterday are now absent the Lord keeper Fiennes by Consent of the Lords gave direction to the Gentleman Vsher to send notice vnto such of the Lords [that] as can be met with that the house doth expect their presence.

The house according to the order yesterday tooke into Consideration the Votes brought from the house of Commons the same being first both read and afterward the first of them againe read and Debate had therevppon

The Question being put

That this Debate be adjourned and it being a question w<sup>ch</sup> way the Maior part of the Votes passed. the Lord Onslow and Lord Tichburne were appointed to number them and it was found to passe in the affirmatiue.

The Question being ppounded

That the house be adiourned till three of the Clock this afternoone and the Question being put that that Question be now put and the voices being doubtfull the Lord Viscount Lisle and the Lord Hampden were appointed to number them and it was found to passe in the affirmatiue. and the maine Question being put it was resolved in the affirmatiue and accordingly the house was adjourned till three of the Clock in the afternoone.

Wednesday 20 Aprill 1659 p<sup>t</sup> merid.

Present.

Lo. keep Fiennes  
Lo. keep Lisle  
Lo. keep Whitelock  
Lo. President  
Charles Lo. Fleetwood  
Lo. Visc<sup>t</sup> Fauconberge  
Lo. Visc<sup>t</sup> Howard  
Lo. Visc<sup>t</sup> Lisle  
Lo. Broghill  
Lo. Cleypole  
Lo. Disbrowe  
Lo. Glynne  
Lo. Lenthall  
Lo. Sidenham  
Lo. Skippon  
Philip Lo. Jones  
Jo. Lo. Fiennes

Lo. Onslow  
Lo. Whalley  
Lo. Hampden  
Lo. Roberts  
Lo. Johnston  
Lo. Ingoldsby  
Lo. Pack  
Lo. Tichburne  
Jo. Lord Jones

Geo. Lo. Fleetwood  
Lo. Tomlinson  
Lo. Hewson  
Lo. Thomas  
Lo. Berry  
Lo. Goffe  
Lo. Cooper

Mr Rowe prayed.

The house resumed the Debate [vpp] taken vpp in the morning and ordered that this Debate be adjourned till nine of the Clock to morrow morning.

The Lord keep Fiennes by Consent of the lords declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill [to] nine of the Clock to morrow morning.

Thursday y<sup>e</sup> 21 Aprill 1659.

Present

Lo. keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Whalley
Lo. keep Whitelock	Lo. Hampden
Lo. Presid <sup>t</sup>	Lo. Roberts
	Lo. Johnston
Lo. Visc <sup>t</sup> Fauconberge	Lo. Ingoldsby
Lo. Visc <sup>t</sup> Howard	Lo. Pack
Lo. Visc <sup>t</sup> Lisle	Lo. Tichburne
Lo. Broghill	
Lo. Cleypole	Jo. Lo. Jones
Lo. Disbrowe	
Lo. Glynne	Lo. Tomlinson
Lo. Lenthall	
	Lo. Hewson
Lo. Sidenham	Lo. Thomas
Lo. Skippon	Lo. Berry
Walter Lo. Strickland	Lo. Goffe
Philip Lo. Jones	Lo. Cooper
Jo. Lo. Fiennes	

Mr Howe prayed

The Lord *keep* Fiennes by Consent of the lords Declared this p<sup>r</sup>sent Parliam<sup>t</sup> to be Continued vntill three of the Clock this afternoone

Thursday the 21<sup>th</sup> of Aprill 1659 p<sup>t</sup> meridi.

Present

Lo. Keep Fiennes	Lo. Onslow
Lo. keep Lisle	Lo. Whalley
Lo. keep Whitelock	Lo. Hampden
Lo. Presid <sup>t</sup>	Lo. Roberts
	Lo. Johnston
Lo. Visc <sup>t</sup> Fauconberge	Lo. Ingoldsby
Lo. V	Lo. Pack
Lo. Visc <sup>t</sup> Lisle	
Lo. Broghill	
	John Lo. [Fiennes] <i>Jones</i>
Lo. Lenthall	Lo. Barkstead
Lo. Skippon	Lo. Thomas
	Lo. Goffe
Philip Lo. Jones	
Jo. Lo. Fiennes	

The Lord keep Lisle *offers a report*[s] from the Co<sup>m</sup>ittee to whom the bill for securing the Nation against the Co<sup>m</sup>on enemy was Comitted seuall amendm<sup>ts</sup> to the said Bill.



Notice being taken that the debate adjourned vppon the first of the Votes brought from the house of Comons was adjourned and nothing to intervene. and that it would be a breach of the ord<sup>r</sup> to interpose this report without leaue of the house it was vppon the Question resolved that the said amendm<sup>ts</sup> should be reported notw<sup>th</sup>standing the former ord<sup>r</sup> and therevppon the amendm<sup>ts</sup> were reported and twice read and vppon the Qu<sup>o</sup>n agreed

There being diuse blanks left in the Bill the house tooke into Debate the filling vpp thereof

RESOLVED vppon the Question that the blanke in the Fowerteenth line of the first folio in the Bill be filled vpp with these words. the first of May [next] 1659

RESOLVED that the blank in the Fifteenth line of the same folio be filled up with the word (three)

RESOLVED that the blanks in the 18 and 19<sup>th</sup> line of the same folio be filled vpp w<sup>th</sup> these words the first day of November then next following

RESOLVED that the blanke in the second line of the second folio be filled vpp w<sup>th</sup> these words (by or before the tenth day of May aforesaid) between the words doe and repaire.

RESOLVED that the blank in the 4<sup>th</sup> and 5<sup>th</sup> line of that folio be filled vpp w<sup>th</sup> these words the said first day of November

RESOLVED that the blanks in the 15<sup>th</sup> and 16<sup>th</sup> lines of the same folio be filled vp w<sup>th</sup> these words. first day of May.

RESOLVED That the blankes in the 18 line of the same folio be filled vp with these words tenth of May aforesaid.

RESOLVED that the blanke in the 19<sup>th</sup> line of that folio be filled vpp with the word (Fiue)

RESOLVED that the blanke in the third line of the third folio be filled vpp w<sup>th</sup> these Words the first day of May aforesaid

RESOLVED that the blanke in the Fift line of the same folio be filled vpp with the words six Moneths.

ORDERED. That this bill thus amended be ingrossed

ORDERED

That the Debate vppon the Votes brought vpp from the house of Comons be adjourned till to morrow nine of the Clock in the morning.

The Lord keep Fiennes by Consent of the lords Declared this present Parliam<sup>t</sup> to be Continued vntill to morrow morning nine of the Clock

Friday the 22<sup>th</sup> of April 1659.

Present

Lord Keeper Fiennes  
Lo. Keeper Lisle  
Lo. Keeper Whitelock  
Lo. Presid<sup>t</sup>  
Charles Lo. Fleetwood

Lord Visc<sup>t</sup> Lisle

Lo. Onslow  
Lo. Whalley  
Lord Roberts  
Lo. Johnston  
Lo. Ingoldsby  
Lo. Pack  
Lo. Titchburne  
Jo. Lo. Jones

Lo. Disbrow  
Lo. Glynne  
Lo. Lenthall

Lo. Skippon  
Walt. Lo. Strickland  
Jo. Lo. Fiennes

Geo. Lo. Fleetwood  
Lo. Tomlinson  
Lo. Hewson  
Lo. Thomas  
Lo. Berry  
Lo. Goffe  
Lo. Cooper

Mr Sterry prayed.

The Lord keep Fiennes acquaints the Lords that his Lopp hath received from his Highnes the Lord Protector a Coñmission vnd<sup>r</sup> the great Seale directed to the said Lord keep Fiennes the Lord kep Lisle the Lord keep Whitelock the Lord Lawrence Lord Presid<sup>t</sup> of his Highnes Councell [Joh] *Charles* Lord Fleetwood John Lord Disbrowe and John Lord Jones or any three or more of them for the dissolving of this present Parliam<sup>t</sup> wherevppon the Lord keep Fiennes the Lord keep Lisle the Lord keep Whitelock the Lord Presid<sup>t</sup> the Lord Disbrow and John Lord Jones arose from their seats and placed themselues on a forme ouerthwart the house between the Chaire of State and the Woolsack whereon the Lord keep vseth to sitt. and the Gentleman Vsher was sent for the Coñmons.

The house taking notice that the Gentleman Vsher had stayed very long without retorning any answe<sup>r</sup>.

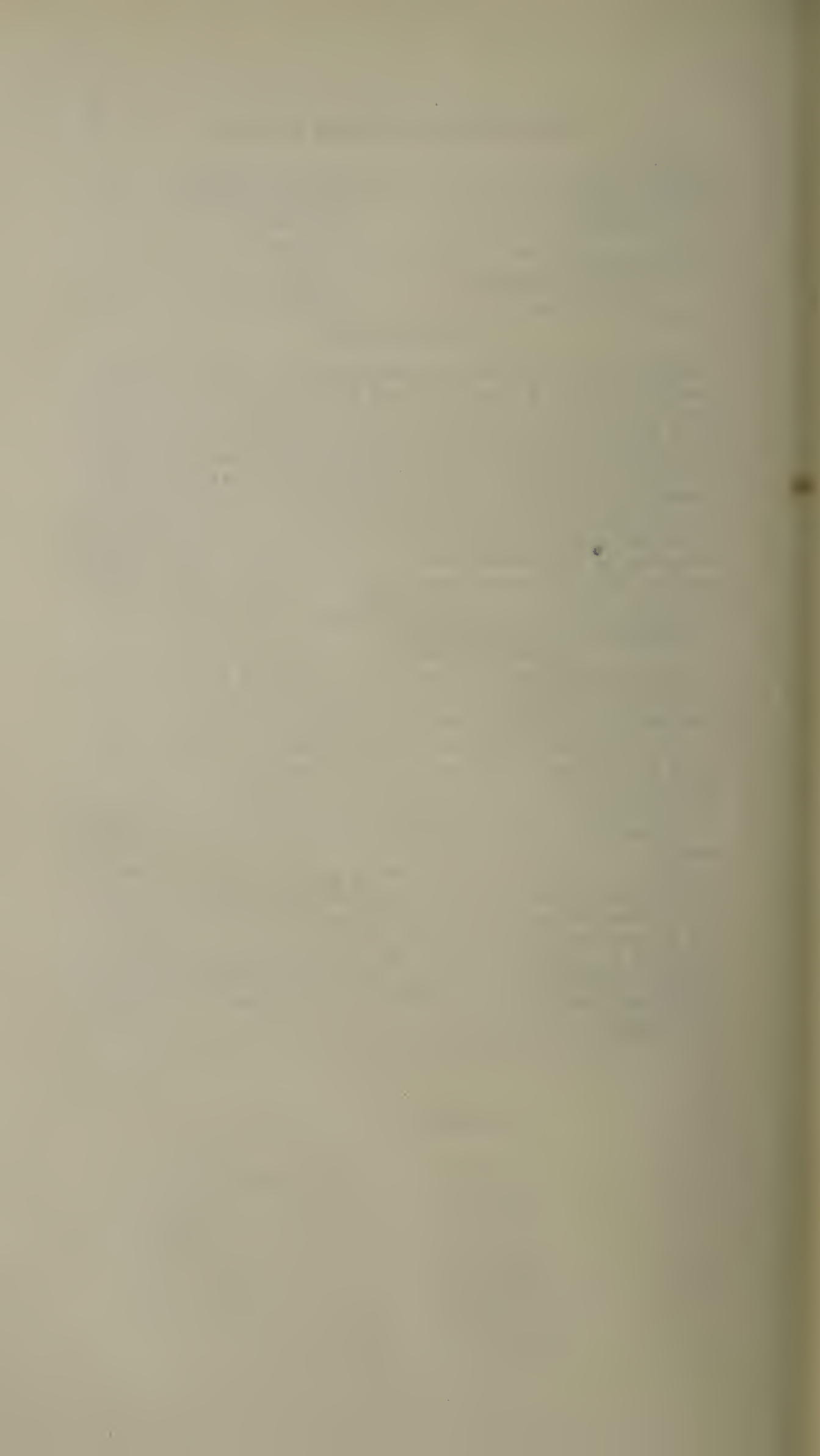
ORDERED That the Gentleman Vsher Doe knock at the Doore of the house of Coñmons and let them know he is required to Desire admittance or to retorne an [answe<sup>r</sup>] *account* to this House.

The Gentleman Vsher retornes an account to the house that he went to the house of Coñmons and sent in word by the Sr<sup>t</sup> at Armes attending that house that he was at the door but receiving no answe<sup>r</sup> vppon the direc<sup>ti</sup>on he received from their Lopps he knocked at the doore but received no answe<sup>r</sup> and now the house of Coñmons is risen.

The Com<sup>rs</sup> being *all of them* in their places on their seat the Lord keep Fiennes Declared that his Highnes having ordained his Parliam<sup>t</sup> to be holden and begin the 27<sup>th</sup> of January last have now thought fitt for Diu<sup>er</sup>se vrgent causes to dissolue the same and for that purpose had graunted a Coñ to Certaine Lords W<sup>ch</sup> Comission the Lord keep Fiennes deliued to the Clerke of the Parliam<sup>t</sup> who retorning to his accustomed place read it publicquely and therevppon the Comission<sup>rs</sup> Did dissolue the Parliam<sup>t</sup>.

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CORRIGENDUM.

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HIS MAJESTY THE KING has been pleased to ratify and confirm the terms of the Commission issued by Her late Majesty, appointing certain Commissioners to ascertain what unpublished MSS. are extant in the collections of private persons and in institutions, which are calculated to throw light upon subjects connected with the Civil, Ecclesiastical, Literary, or Scientific History of this country; and to appoint certain additional Commissioners for the same purposes. The present Commissioners are:—

Sir R. Henn Collins, Master of the Rolls; the Marquess of Ripon, K.G., the Earl of Liverpool, the Earl of Dartmouth, the Earl of Crawford, K.T., the Earl of Rosebery, K.G., Lord Fitzmaurice, Lord Alverstone, G.C.M.G., Lord Lindley, Lord Stanmore, G.C.M.G., Sir Edward Fry, Mr. John Morley, O.M., M.P., Sir H. C. Maxwell-Lyte, K.C.B., and Mr. C. H. Firth, M.A., LL.D.

The Commissioners think it probable that you may feel an interest in this object, and be willing to assist in the attainment of it; and with that view they desire to lay before you an outline of the course which they usually follow.

If any nobleman or gentleman express his willingness to submit to the Commissioners any unprinted book, or collection of documents in his possession or custody, they will cause an inspection to be made by some competent person, and should the MSS. appear to come within the scope of their enquiry, the owner will be asked to consent to the publication of copies or abstracts of them in the reports of the Commission, which are presented to Parliament every Session.

To avoid any possible apprehension that the examination of papers by the Commissioners may extend to title-deeds or other documents of present legal value, positive instructions are given to every person who inspects MSS. on their behalf that nothing relating to the titles of existing owners is to be divulged, and

that if in the course of his work any modern title-deeds or papers of a private character chance to come before him, they are to be instantly put aside, and not to be examined or calendared under any pretence whatever.

The object of the Commission is the discovery of unpublished historical and literary materials, and in all their proceedings the Commissioners will direct their attention to that object exclusively.

In practice it has been found more satisfactory, when the collection of manuscripts is a large one, for the inspector to make a selection therefrom at the place of deposit and to obtain the owner's consent to remove the selected papers to the Public Record Office in London or in Dublin, or to the General Register House in Edinburgh, where they can be more fully dealt with, and where they will be preserved with the same care as if they formed part of the muniments of the realm, during the term of their examination. Among the numerous owners of MSS. who have allowed their papers of historical interest to be temporarily removed from their muniment rooms and lent to the Commissioners to facilitate the preparation of a report may be named :—His Majesty the King, the Duke of Rutland, the Duke of Portland, the Marquess of Salisbury, the Marquess Townshend, the Marquess of Ailesbury, the Marquess of Bath, the Earl of Dartmouth, the Earl of Carlisle, the Earl of Egmont, the Earl of Lindsey, the Earl of Ancaster, the Earl of Lonsdale, Lord Braye, Lord Hothfield, Lord Kenyon, Mr. Stopford Sackville, the Right Hon. F. J. Savile Foljambe, Sir George Wombwell, Mr. le Fleming, of Rydal, Mr. Leyborne Popham, of Littlecote, and Mr. Fortescue, of Dropmore.

The costs of inspections, reports, and calendars, and the conveyance of documents, will be defrayed at the public expense, without any charge to the owners.

The Commissioners will also, if so requested, give their advice as to the best means of repairing and preserving any interesting papers or MSS. which may be in a state of decay.

The Commissioners will feel much obliged if you will communicate to them the names of any gentlemen who may be able and willing to assist in obtaining the objects for which this Commission has been issued.

R. A. ROBERTS, *Secretary*.



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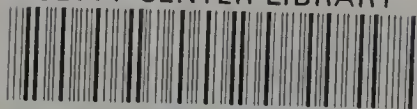
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